

1 | 1

2 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

4 SIDNEY GORDON and JEFFREY TAUER,

5 Plaintiffs,

6 Case No:
v. 11-cv-09665 (JSR)

7 SONAR CAPITAL MANAGEMENT LLC;
8 NOAH FREEMAN; NEIL DRUKER;
9 PRIMARY GLOBAL RESEARCH, LLC; SONAR
PARTNERS, LP; SONAR INSTITUTIONAL
FUND, LP; SONAR OVERSEAS FUND, LTD.;
and JOHN AND JANE DOES 1 THROUGH 100,

Defendants.

2 January 22, 2015
9:40 a.m.

-5 | CONFIDENTIAL

Videotaped deposition of JEFFREY
TAUBER, taken by defendants, pursuant to
notice, at the offices of SEWARD & KISSEL
LLP, One Battery Plaza, New York, NY 10004,
before Sharon Lengel, a Registered
Professional Reporter and Notary Public of
the State of New York.

1

2

3 APPEARANCES:

4 BROWER PIVEN

5 Attorneys for plaintiff

6 Jeffrey Tauber

7 475 Park Avenue South, 33rd Floor

8 New York, NY 10016

9 BY: DAVID A.P. BROWER

10 BRIAN KERR

11

12 SEWARD & KISSEL LLP

13 Attorneys for defendants

14 Sonar Capital Management, LLC,

15 Sonar Partners, LP,

16 Sonar Institutional Fund, LP,

17 Sonar Overseas Fund, Ltd.,

18 Neil Druker

19 One Battery Plaza

20 New York, NY 10004

21 BY: MICHAEL W. BROZ

22 MARK J. HYLAND

23

24 PRESENT:

25 MATTHEW MAIORANO, videographer

1

3

2

STIPULATIONS

3

4

IT IS HEREBY STIPULATED AND AGREED,

5

by and between counsel for the respective
6 parties hereto, that all objections, except
7 as to form, are reserved to the time of
8 trial.

9

IT IS FURTHER STIPULATED AND AGREED
10 that the deposition may be signed and sworn
11 to before any officer authorized to
12 administer an oath.

13

IT IS FURTHER STIPULATED AND AGREED
14 that the sealing and filing of the
15 deposition be waived.

16

17

18

19

20

21

22

23

24

25

1

4

2 THE VIDEOGRAPHER: Stand by,
3 please.

4 This is the beginning of Tape
5 No. 1. We are now on the record at
6 approximately 9:40 a.m. Today's date
7 is January 22, 2015. This is the
8 opening of the deposition of Jeffrey
9 Tauber in the matter of Gordon v. Sonar
10 Capital Management, LLC, et al.

11 The deposition is being held at
12 the law offices of Seward & Kissel at
13 One Battery Park Plaza, New York, New
14 York.

15 The court reporter is Sharon
16 Lengel with Pirozzi & Hillman. I am
17 the legal videographer, Matt Maiorano,
18 also with Pirozzi & Hillman.

19 Will counsel please introduce
20 themselves.

21 MR. HYLAND: Mark J. Hyland,
22 Seward & Kissel, for the Sonar
23 defendants and Defendant Neil Druker.

24 MR. BROWER: David Brower, Brower
25 & Piven for the Plaintiff Tauber in the

1 Tauber - Confidential

5

2 class.

3 MR. KERR: Brian Kerr, also for
4 the plaintiff.

5 MR. BROZ: Michael Broz also for
6 the Sonar defendants and Neil Druker.

7 THE VIDEOGRAPHER: Will the court
8 reporter please swear in the witness.

9 JEFFREY TAUBER,

10 called as a witness, having been duly
11 sworn, testified as follows:

12 EXAMINATION

13 BY MR. HYLAND:

14 THE VIDEOGRAPHER: You may
15 proceed.

16 Q. Good morning, Mr. Tauber.

17 A. Good morning.

18 Q. Did you meet with anybody in
19 preparation for your testimony today?

20 A. Yes.

21 Q. And who did you meet with?

22 A. I met with my attorneys.

23 Q. And who were they?

24 A. They are the gentlemen to my
25 right.

1 Tauber - Confidential 6

2 Q. What's his name?

3 A. Mr. Kerr and --

4 THE WITNESS: Dave, what's your

5 last name?

6 MR. BROWER: Brower.

7 A. Brower. It's Brower.

8 Q. Okay. While you're answering

9 questions and under oath, you're not

10 permitted to ask anybody else information

11 for your answers. You just have to give me

12 your best recollection, okay?

13 A. I thought that was foundational,

14 and it was -- it was appropriate. I will

15 follow your instruction.

16 Q. Thank you.

17 Was anyone else present at the

18 meeting?

19 A. No.

20 Q. Okay.

21 MR. BROWER: Could you speak up a

22 little bit.

23 Q. Is there another plaintiff in the

24 action in which you are the plaintiff?

25 A. I believe there is.

1 Tauber - Confidential

7

2 Q. Who is that?

3 A. Clark? I -- I'm not -- I'm not
4 sure of the last name.

5 Q. Okay. Have you ever spoken with
6 the person before?

7 A. Yeah.

8 Q. When is the last time you spoke
9 with him?

10 A. It would have been on -- by
11 phone, probably within -- probably around
12 perhaps two years ago.

13 Q. Was it at about the time that you
14 had made a motion to be designated as the
15 lead representative?

16 A. It was after that.

17 Q. All right. So you haven't spoken
18 to the coplaintiff in the last two years?

19 A. I have spoken to him on several
20 occasions in the months subsequent to the
21 hearing on -- and I also made attempts to
22 contact him and was not able to do so on
23 several occasions.

24 Q. Okay. When is the last time you
25 spoke to him?

1

Tauber - Confidential

8

2

A. I'd have to give you my best guesstimate because I don't have a clear recollection. I believe it would have been in 2012.

6

Q. Okay. Thank you. That's fine.

7

8

Was there anyone else present when you were preparing to meet for your deposition besides Mr. Brower and Mr. Kerr?

9

MR. BROWER: Asked and answered.

10

Q. You can answer.

11

A. No.

12

13

Q. Okay. Does your coplaintiff have separate counsel?

14

A. I believe he does.

15

Q. Do you know who represents him?

16

17

A. Huber or Haber I believe is the last name.

18

19

Q. Okay. Anyone else?

20

A. Not to my knowledge.

21

22

23

Q. Okay. And can you summarize the allegations that you are making on behalf of the class in this action.

24

25

A. I believe that the nature of this action is the allegation that there was

1 Tauber - Confidential

9

2 insider information and insider trading
3 which adversely affected the class -- the
4 classes that I represent.

5 Q. Okay. And what was the nature of
6 the alleged insider information?

7 A. Well, I can tell you what I have
8 learned through documents and through
9 discussions with my attorneys. At least I
10 could summarize what I understand them to
11 be. Basically, as I understand it, there
12 was someone within the Sigma Corporation
13 who provided information to individuals
14 outside, and those individuals -- one of
15 whom I understand was a gentleman by the
16 name of Freeman or Furman. Another
17 individual who was given this information
18 was a gentleman by the name of Druker, and
19 that that information was used to affect
20 their buying and selling of stocks in a way
21 that was adverse to my interest and the
22 classes I represent.

23 Q. Can you describe the classes that
24 you represent.

25 A. I represent buyers of Sigma stock

1

Tauber - Confidential

10

2

3

4

5

6

7

8

9

10

during periods when the insider trading and individuals were relying on insider trading were selling stock based upon information that they had. And I represent sellers who were selling stock at the time, that individuals who had insider trading were buying the stock of members of that class because of the information that they had to the detriment of my class.

11

12

Q. How many class periods are involved?

13

14

15

16

A. Well, I understand that the sellers suit involves I believe two -- two periods in 2007, and if I'm not mistaken, the buyers involve a single period.

17

Q. And when is that period?

18

A. I couldn't give you exact dates.

19

Q. Okay.

20

21

22

23

A. I think we're talking about the summer through the end of the year and in -- perhaps into the first -- first month of 2008.

24

25

Q. So is it correct that for two periods, you represent or purport to

1

Tauber - Confidential

11

2

represent a class of sellers, and for one
period, a class of buyers?

4

A. That's correct.

5

Q. All right. And during the
periods where you purport to represent
sellers, were you selling securities?

8

MR. BROWER: Object to the form.

9

A. I believe that's correct.

10

Q. Were you also buying securities
in Sigma?

12

A. During -- could you -- can you
restate the question?

14

Q. Yes. During -- during the seller
class, you were selling securities of
Sigma, correct?

17

A. Correct.

18

Q. During the seller class, were you
also buying securities issued by Sigma?

20

A. Yes.

21

Q. And during the seller class, were
you selling more than you were buying, or
were you buying more than you were selling?

24

A. I'm not sure I could give you an
answer to that. I was trying to purchase

25

1

Tauber - Confidential

12

2

stock or -- and sell stock and make a
profit at it. I have not gone over and
reviewed that information.

5

6

7

8

Q. So you have not at any time added
up the purchases and sales during the class
periods to figure out if you were a net
buyer or a net seller?

9

10

11

12

13

14

15

A. I believe that I had done that
earlier in the case, but I don't have a
recollection as to which -- which was
greater. I do know that -- that in regards
to this -- this action, that there are
more -- there were more relevant sales and
purchases, I believe.

16

Q. During what period?

17

18

19

20

A. During the period from the summer
through -- well, during the period of the
buying and selling that's -- that's
alleged.

21

22

23

24

Q. Well, we've -- you -- you --
you've brought an action where you purport
to represent three classes of plaintiffs,
correct?

25

A. I think there are two classes and

1

Tauber - Confidential

13

2

three periods.

3

Q. All right. And, so, as you sit here today, can you testify during period one whether you purchased more securities of Sigma than you sold, or you sold more than you purchased?

4

A. That's not information that I -- that I have -- that I've reviewed recently. So I cannot answer that question.

5

Q. Okay. And for Period No. 2 as you sit here today, can you state whether you purchased more Sigma securities than you sold, or you sold more than you purchased?

6

A. Once again, that's not information that I reviewed recently, and I'm not -- I do not have the answer to that.

7

Q. I'm going to ask the same question for Period No. 3, whether you, as you sit here today, can testify as to whether you purchased more Sigma securities or sold more during that period.

8

A. I have the same answer.

1

Tauber - Confidential

14

2

Q. Okay.

3

MR. HYLAND: I call this Tauber
4 Exhibit 1.

5

6

(A notice of deposition was
marked as Tauber 1 for identification.)

7

THE WITNESS: Thank you.

8

Q. Mr. Tauber, do you recognize
9 Tauber Exhibit 1?

10

11

A. It may be a document that I have
received. I don't recognize it.

12

13

14

Q. Okay. And it's actually a
two-page document, if you turn over the
other side.

15

A. No.

16

17

18

Q. Okay. And looking at it, do you
understand that you're appearing here today
pursuing to this notice of deposition?

19

A. I understand that.

20

21

22

Q. Okay. Now, when did you meet
with Mr. Brower and Mr. Kerr in preparation
for your deposition?

23

A. Yesterday.

24

Q. For how long?

25

A. Perhaps two -- two hours.

1

Tauber - Confidential

15

2

Q. All right. Had you met them
before that?

4

A. Of course.

5

Q. Okay. And when had you last met
with Mr. Brower or Mr. Kerr before
yesterday?

8

A. Do you mean whether -- when did I
communicate with them, or when did I
actually meet with them physically?

11

Q. Let's talk about meeting first,

12 okay?

13

A. Okay. That would go back to when
I was in New York. I'm a Californian and
have been for sometime. So it would go
back to the time period when we were in
front of the Federal Court, and the Court
was deciding as to whether or not -- who
would be the lead plaintiff in this matter.

20

Q. Okay. And was that the last time
you met either Mr. Brower or -- or
21

Mr. Kerr?

23

A. Personally, yeah.

24

Q. Okay. And have you been in
25 contact with them telephonically or

1

Tauber - Confidential

16

2

electronically since then?

3

A. Yes.

4

Q. About how often?

5

A. With -- with some frequency and regularity, I understood that it was my obligation to have a supervisory role.

6

And, so, I received documents from them regularly, especially at the beginning of the case. I had numerous conversations, mostly with Mr. Kerr. And certainly in the first six months, it was probably every few weeks and sometimes more than once a week.

14

In the last two years, there have been numerous occasions, I would -- I would say monthly, but then there have been times when I have not heard from them, and I have contacted Mr. Kerr because of my obligation to do so. And we've had discussions, and he has, on some occasions, just indicated there was -- there was nothing happening, and that we would discuss the case further when there was some change of circumstances.

25

So there were times when perhaps

1 Tauber - Confidential

17

2 we did not talk for -- for two months. But
3 we were in frequent contact. There were
4 documents to review. I often called him
5 back and asked him questions about the
6 documents. I have a legal background, as
7 you may know, but it's not in a civil area,
8 and it's certainly not in a financial area.
9 So while I am curious and interested in
10 knowing what is going on and made inquiry,
11 he was always quick to get back to me and
12 to consult with me about the proceedings in
13 the case and decisions that needed to be
14 made.

15 Q. Did -- were you provided drafts
16 of documents that would be served on the
17 defendants in this case before they went
18 out?

19 A. Yes.

20 Q. And did you comment on them?

21 A. Yes.

22 Q. Okay. And you reviewed, for
23 example, document requests before they were
24 served?

25 A. I'm not sure what you mean by

1 Tauber - Confidential

18

2 "document requests."

3 Q. Okay. Are you aware of a process
4 known as discovery?

5 A. I am.

6 Q. Okay. And what mechanisms are
7 you aware of that can be used during the
8 discovery process?

9 A. That would go back to law school
10 and federal procedure. So I'm not really
11 familiar with the federal process or the
12 federal discovery of process beyond the
13 fact that there is such a process and that
14 it's available to both parties and that the
15 Court controls it.

16 Q. Do you recall reviewing drafts of
17 requests for the production of documents?

18 A. I do -- I do believe that I've
19 reviewed documents of that nature.

20 Q. And do you know what an
21 interrogatory is?

22 A. Yes, I do.

23 Q. And did you review drafts of
24 interrogatories before they were served?

25 A. I cannot say that I have.

1

Tauber - Confidential

19

2

Q. Okay. And did you provide responses, for example, to document requests that were served by the defendants?

6

MR. BROWER: On him.

7

MR. HYLAND: On -- yes, yes.

8

Q. On you.

9

MR. HYLAND: Fair.

10

A. I believe so.

11

Q. Okay. And did you review interrogatories that were served upon you by the defendants?

14

A. I believe I actually did that, yes.

16

Q. Okay. Are you aware of any depositions that have taken place in this case?

19

A. I'm aware of one.

20

Q. What's that?

21

A. I believe it was of a Mr. Druker.

22

Q. Okay. And are you aware of any depositions that are currently scheduled?

24

A. I -- I think I heard you gentlemen discuss one earlier today, but I

1

Tauber - Confidential

20

2

don't know of who -- of who it was.

3

4

5

6

Q. Okay. Are you currently, you know, taking any medication that possibly could affect your recall or your ability to answer truthfully?

7

8

A. No, I'm not taking any medication that could -- could affect me.

9

10

Q. Okay. It's just a standard question.

11

12

13

14

A. No, that's -- that's quite -- that's quite all right. I'm not particularly good with names, and --

15

16

Q. Okay.

17

18

A. -- and sometimes dates are very difficult as well.

19

20

Q. Okay. Can you describe your

21

educational background.

22

23

24

25

A. I'd be delighted.

I went to P.S. 188 in Coney

25

Island through the fifth grade. I then

26

went to P.S. 209 through the -- was it the

27

ninth grade, And then I went to Abraham

28

Lincoln High School in Brooklyn through

29

high school. I went to Brooklyn College

1

Tauber - Confidential

21

2

for four years. I went to Boston

3

University of Law School and graduated in

4

1971, I believe.

5

As to further education, I -- I have taken -- I have gone to the judicial college in California. That was a week-long college on what a judge needs to or ought to -- ought to know. I've taught at the judicial college. I've also trained hundreds of judges in the area of alternative treatments to prison for drug addicts, persons with mental disabilities, individuals who have various problems that can be best dealt with in a noncustodial setting. And that has been something that I have been -- been doing actively for over 20 years.

19

20

Q. Okay. And Brooklyn College -- you graduated from Brooklyn College.

21

A. That's correct.

22

Q. When?

23

A. I think it was '68.

24

25

Q. So you went directly from college to law school?

1

Tauber - Confidential

22

2

A. Correct.

3

4

Q. And then upon graduating from

Boston University in 1971, what did you do?

5

6

7

8

9

10

11

12

13

14

15

16

17

A. I went to work -- I actually had an unusual situation. I was working for Ralph Nader, and I believe it was the center for -- I'm trying to remember now -- I think Center for Democratic Action. I wrote a book on water pollution law for him and also for the National Resources Defense Council. And I -- I worked for both companies -- well, certainly, Ralph Nader wasn't a company, but it was a -- they were both non-profits -- from 1971 through sometime in '72, perhaps early -- early '72.

18

19

Q. Okay. And what did you do after that?

20

21

22

23

24

25

A. Okay. After that, I -- I took a trip. It was an opportunity. I took the bar exam, and I passed the bar exam in California. And -- and I had an opportunity to take a trip and with -- and I did take a trip. I traveled perhaps to

1

Tauber - Confidential

23

2

3

4

5

40 countries over a period of a year and four months, returning to the United States in 1974, and had -- and looked for a job specifically in -- in the criminal law.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

I don't know if -- if this anecdote is appropriate or not, but in Nepal, as I was preparing to -- to climb -- to -- to take -- to do a climb in the Himalayas, I happened to -- to run into a public defender from Oakland, which is where I was living. And, so, over the next 30 days, I was regaled with stories about criminal law and decided that it was something that I was interested in. And when I came back, I applied for a number of jobs in the Bay area, which was where I was living, and I -- I took a job in Santa Clara County.

I'm assuming you want me to continue?

Q. I just want to go through your -- your education and your work history briefly, you know. That's okay.

A. Okay.

1

Tauber - Confidential

24

2

Q. So --

3

A. We can go into great detail as
well.

5

6

7

Q. No, that's okay. Just -- I'd
just like a general chronology, if I could,
of your -- of your work history.

8

9

So you came back from the trip,
and you got involved in criminal law?

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

A. I got -- I became a public
defender in Santa Clara County. I was
there for perhaps two and a half years. I
had applied for a job in Alameda County
because of -- I was living in Alameda
County in Oakland. It was a far shorter
commute by far.

17 And I was -- I applied for and
18 I -- I was accepted as a public defender in
19 Alameda County. I was there for -- for
20 less than a year. And I went into private
21 practice. I was in private practice with a
22 law firm of Talbert Ellis. Luke Ellis was
23 my partner for -- and we added a third
24 attorney. Her first name eludes me. Her
25 last name is Frederick. It will come to me

1

Tauber - Confidential

25

2

in a moment.

3

Q. Okay.

4

A. And we did almost all criminal

5

law. That was -- that was my background.

6

I've done some civil in the family law

7

area, but almost entirely criminal since I

8

have been a lawyer in California.

9

And so I did that, oh, perhaps

10

10 -- 10 years, 10 to 12 years. And in

11

1985, I believe, I was selected to be a

12

commissioner, which, I suppose, is similar

13

to a magistrate in the federal system,

14

which means that you're doing the work the

15

judges don't want to do.

16

And I did that through '88, I

17

think it was about for two and a half,

18

three years. At that point, I -- there was

19

a judgeship that had opened up, and -- it

20

was about to open up. There was a -- the

21

judge who was -- was reaching the end of

22

his term, and this background, I suppose,

23

would be helpful.

24

At that time, in California, a

25

judge had to resign by the age of 70 or he

1

Tauber - Confidential

26

2

would lose something like -- I don't know if it was 40 or 50 percent of the pension. So it was quite a penalty. That's been changed to a significant extent -- extent since then. But at the time, that was the case. Anyway, he was running for eight months -- for an eight-month term, and I decided that I might consider running. And I spoke to a number of people about that possibility. And there was an election that I won with 68 percent of the vote and became the judge in that -- in that district.

15

16

I could go on about that

election --

17

Q. No, that's okay.

18

A. -- at great length, if you'd like.

20

Q. No, I --

21

A. It was quite an interesting experience.

23

MR. BROWER: Nice job.

24

Q. Yeah. No, that's all right.

25

In -- in what -- in what court

1

Tauber - Confidential

27

2

did you become a judge in?

3

A. It was the Oakland Piedmont
Emeryville Municipal District.

5

Q. And that's -- that's an elected
position.

7

A. Yes, sir.

8

Q. And for -- what is the term?

9

A. Six years.

10

Q. And you served as a municipal

11

district judge for a six-year term?

12

A. I did. And then I was elected

13

again.

14

Q. To the same court.

15

A. That's correct.

16

Q. Okay. And what types of cases
did the municipal district court hear?

18

A. Well, it's pretty much everything
except felony jury trials. We were going
through a transition, and so a number of
courts were allowing the municipal courts
to do superior court trials. This was done
on a case-by-case, county-by-county basis
which the Administrative Office of Courts
was controlling. I'm not sure that I did a

19

20

21

22

23

24

25

1

Tauber - Confidential

28

2

3

4

5

6

7

8

Q. That's okay. But --

9

A. -- at the time.

10

11

12

Q. -- did the municipal district court just hear criminal cases, or did it hear civil cases also?

13

14

15

16

17

18

19

20

21

22

23

24

25

A. You know, it heard small claims, of course. It heard civil cases, unlawful detainers, as I recall, and similar cases. The jurisdiction for civil cases in municipal court -- I'm trying to recall now, because I was not really doing them. That was not my -- my responsibility. I think it was \$25,000 at the time.

Q. All right.

A. In 1997, the municipal court was eliminated, and all judges in California became superior court judges. There is no municipal court since then.

1

Tauber - Confidential

29

2

3

Q. And did you become a superior court judge then?

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

A. I became a superior court judge through my work. My designation is a municipal court judge. But for the past 13 years, I have sat as a superior court judge only. And I have sat probably something -- at least 50 percent of the time in the last 12 years. But I've -- I've skipped quite a bit. I don't know if you want -- if you want the whole story.

In 19 -- I was elected, and in 1995, the chief justice granted me a leave of absence. It was the second time it had ever been granted in California to go to Washington to set up a training and education institute for judges and other criminal justice personnel and other -- and other personnel dealing with drug, alcohol, mental health, and other alternative treatments to prison. And, so, I was given a year's leave, and I left in '96. And in '97, by constitutional edict, one either has to return to the bench or resign. And

1

Tauber - Confidential

30

2

3

4

I chose to resign and stay in -- and stay in Washington, D.C. and -- and continue with the work I was doing.

5

6

7

8

9

10

11

12

13

14

15

When I got to -- to Washington, I think there might have been 50 at most of these courts. When I left Washington in 2001 or 2002, there were over a thousand. It was a very productive time and an extraordinary opportunity that I've always felt very positive about. I felt really blessed to have that opportunity. There were obviously sacrifices involved when you do something like that as well. But it was, I think, extremely successful.

16

17

18

19

20

21

Today, that organization is called National Association of Drug Court Professionals, has a membership -- or in terms of the number of courts, there's over 3,000 courts in the United States that are providing this -- this service.

22

23

24

25

To get back to myself as a judge, sometime right after I resigned, within a year, I believe, all judges became superior court judges. When I returned to

1

Tauber - Confidential

31

2

California, I was asked to become a -- an
assigned judge.

4

And I'm sure you're familiar with
the concept where if I'm available, and
there's a need for a judge, I would be
asked to -- to sit on -- on a -- on a
court. And I did so, as I mentioned,
probably in -- at least 50 percent of the
time over the next 12 or 13 years, probably
closer to 60 or 70 percent. And at all
times during that period of time, I was a
superior court judge.

14

Q. Do you still sit as a superior
court or any other kind of judge?

16

A. I only sit as a superior court
judge.

18

Q. You still do as of today?

19

A. Well, an assigned judge -- well,
I'm also a senior judge as -- and that's
more an issue of age than anything else.
But I sit as an assigned judge. I most
recently served for over a year in Marin
County. And in November, they indicated
that they no longer needed a criminal

1 Tauber - Confidential 32

2 judge, and they wanted a civil judge. And,
3 so, that association changed. Most of the
4 -- or many of the courts I sat on, I've sat
5 on for years. I was on the San Francisco
6 Superior Court for four years.

7 Q. When was that?

8 A. That would have been from 2008
9 through 2011, through the end of 2011. I
10 think it ended in October or November, if
11 I'm not mistaken.

12 Q. All right. And you talked about
13 your -- your resigning as a judge, I think
14 you said pursuant to constitutional edict;
15 is that right?

16 A. Yeah.

17 Q. When was that?

18 A. That would have been January --
19 well, a year would have been in January. I
20 left -- I was given that -- that year's
21 leave starting in January of 2006. So I
22 would have proffered my resignation, no
23 doubt, in January of 2007.

24 Q. And --

25 A. I received -- obviously, they

1

Tauber - Confidential

33

2

accepted my resignation. They also provided me with a -- with a commendation for the work I had done in Washington, D.C. and around the world in -- on behalf of offenders and individuals with drug and -- and other serious problems. So it was a -- it was a fairly happy sendoff.

9

Q. And what is your age?

10

A. 67.

11

Q. Okay. So when you tendered your resignation, that was in or about -- as a judge -- in or about 2007?

14

A. Yeah. It was --

15

Q. Whatever, give or take.

16

A. -- probably within the first --

17

Q. Okay.

18

A. -- first week, I would think.

19

Q. So you were about 60 years old at the time, thereabouts?

21

A. No. Let's -- let me think. Let me go back. I was more like -- was it 51? I'm just -- I haven't even thought of this in such a long time. I remember in my first year, I turned 50. So, I mean, my

1

Tauber - Confidential

34

2

first year in Washington. So I believe it
was something like 51. I think I was in
Washington through 2001.

5

Q. Okay.

6

A. So I was in my early 50s.

7

Q. When you resigned.

8

A. When I resigned, yeah.

9

Q. What was the constitutional edict
that required you to resign as a judge?

11

A. Well, you know, I never -- I
never researched it. I was told by the
Administrative Office of the Court that --
that I would either have to return, which
they would gladly have me do, or resign.
And I had been given that information by
more than one individual, not only from the
AOC, but from my court. And on that basis,
I resigned.

20

And the fact is that the work
that I was doing in Washington was -- was
having such an extraordinary effect and, to
some extent, unexpected. It was -- it was
perhaps at the right time, being in the
right place at the right time. And the

1

Tauber - Confidential

35

2

organization itself is probably the most influential in the criminal justice field in the United States at this time. And being at the beginning of that and helping to create that was something that seemed to me more important than returning to be a superior court judge or a municipal court judge.

10

Q. I think you said you were granted a leave of absence to go to Washington to work on the -- the drug and substance-related issues?

14

A. Yeah.

15

Q. Right?

16

And who granted you that leave of absence?

18

A. It was the chief justice.

19

Q. And who was that?

20

A. Ron George.

21

Q. Had you requested a leave of absence?

23

A. It was requested -- I'm trying to remember. I know that -- that there were a number of judges that -- that were

1

Tauber - Confidential

36

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

supporting that -- that request. I was -- at the time, I was chairman of the board of this organization. But it was a fledgling organization that, basically, I was running out of the courtroom, rather, the courtroom than other out of my chambers. So it was -- it was clear that there was an opportunity that -- for a national grassroots organization to take off, and someone would have to go to Washington to make it happen, and I was willing to do it.

Q. Right. But did you ask for the

leave of absence so you would be able to do that? Was that something --

A. Did Ron George ask me?

Q. I'm sorry?

A. Is that the question?

Q. Yeah. In other words, you said you were granted a leave of absence.

Did you request it, or were you asked to do it?

A. I was asked to do it by my contemporaries --

Q. Okay.

1

Tauber - Confidential

37

2

A. -- and my colleagues and the

3

members of the organization that I -- that

4

I was chair of at the time.

5

Q. Right. Okay.

6

So -- and was the concept of drug
courts and, you know, reform, which you
testified to, was that something that you
were interested in at the time?

10

11

A. Yeah. I thought it was -- it was
an extraordinarily important reform.

12

13

Q. Okay. And you said that there
were sacrifices involved in your, you know,
leaving the West Coast and going to the
East Coast.

16

17

What sacrifices did you have in
mind?

18

19

20

A. Well, the most obvious is -- is
leaving your home and leaving your -- your
employment.

21

22

Q. Are you -- are you currently
employed?

23

24

25

A. I'm currently -- I'm currently an
assigned judge or a member of the Assigned
Judges Program, which means that I am -- I

1

Tauber - Confidential

38

2

3

4

5

6

7

8

9

10

don't know what the best way -- how to put this. But if you are part of that program, and you've fulfilled the obligations of education and -- and so forth, then you are eligible to be requested by a jurisdiction. And, so, I have probably -- in the last 12 or 13 years, I have probably sat in easily 20 courtrooms and 12 counties in Northern California.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Q. Okay. How do you get paid? Do you receive a salary, or do you get paid by the case?

A. No. You get -- you get paid by the day. It's basically per diem.

Q. Right. Okay.

And, so, when is the last time that you had just a regular salary that was a steady salary that was paid to you on a regular basis?

A. That would probably be when I was president of the National Association of Drug Court Professionals, which would have -- which would have been in 2001.

Q. 2001?

1

Tauber - Confidential

39

2

A. Yeah.

3

Q. Okay. So since 2001, is it fair
to say that you've -- you've been paid on a
per-diem basis when -- when requested and
when you serve on a particular case?

4

A. It's not a case.

5

Q. Okay.

6

A. You're -- you're often asked
to -- to step in when a judge becomes ill,
dies, is elevated, is on -- for some
reason, is not available to the court. So
-- and some courts just have a great deal
of -- of work. And --

7

Q. Right.

8

A. -- they can't -- they can't deal
with it, and so they ask for someone to
assist.

9

Q. All right.

10

And you get paid on a per-diem
basis.

11

A. Correct.

12

Q. And what's the per diem that you
get paid?

13

MR. BROWER: Objection.

1 Tauber - Confidential 40

2 A. I think it's -- it's just under
3 \$700 a day.

4 Q. \$700 a day?

5 A. \$700 a day, I think.

6 Q. Okay. And what was it back in
7 2007?

8 A. Probably about the same. I don't
9 think there have been too many raises since
10 then.

11 Q. Right. Okay.

12 A. And where do you live?

13 A. I live in a small town called
14 Albany, which is just outside of Berkeley,
15 California, which is in the East Bay of the
16 San Francisco Bay.

17 Q. And what's your address?

18 A. 843 Washington Avenue.

19 Q. 843 Washington Avenue?

20 A. Yeah.

21 Q. Okay. And how long have you
22 lived there?

23 A. Approximately a year.

24 Q. One year?

25 A. All right. Do you own it?

1

Tauber - Confidential

41

2

A. No, I don't.

3

Q. You pay rent?

4

A. I live there with my girlfriend,
and we share rent.

6

Q. Okay. So you're not married.

7

A. I am not remarried.

8

Q. Have you ever been married?

9

A. Yes, I have.

10

Q. During what period of times --
time?

12

A. '91 through '99, '98, '99.

13

Q. Any other time that you were
married?

15

A. Do you want to know her name?

16

Q. That's okay.

17

A. Okay. What would you like to
know?

19

Q. You were married from '91 to '99?

20

A. I believe.

21

Q. Approximately, right?

22

A. Approximately.

23

Q. Other than that, have you ever
been married?

25

A. No.

1 Tauber - Confidential 42

2 Q. Do you have any children?

3 A. No.

4 Q. Have you -- have you ever been
5 convicted of any kind of a crime? And that
6 would include misdemeanor.

7 A. No.

8 Q. Have you ever had any sort of
9 crime expunged from your record?

10 A. No.

11 Q. Have you ever been charged with
12 any kind of substance-related offense?

13 A. No.

14 Q. Okay. Never been charged with a
15 DWI or anything like that?

16 A. No.

17 Q. Okay. Have you ever sought
18 treatment for any kind of substance abuse?

19 A. No.

20 Q. And before you lived at your
21 current residence, where did you live?

22 A. 1357 Marin Avenue in Albany, not
23 far from where I currently live.

24 Q. Okay. And did you own that
25 residence?

1 Tauber - Confidential 43
2 A. No, I did not.
3 Q. You paid rent?
4 A. I did.
5 Q. And how about -- how long did you
6 live there?
7 A. I think it was almost five years.
8 Q. And how about before that?
9 A. I lived in Berkeley Hills. I had
10 a home that I did own. It was on Crammont
11 Avenue, but I couldn't tell you the -- I
12 couldn't tell you the address.
13 Q. Okay. So you owned that, and you
14 lived there?
15 A. Yeah.
16 Q. And you sold it?
17 A. I did.
18 Q. When did you sell it?
19 A. I sold it in 19 -- excuse me --
20 not 19. It would be probably 2008.
21 Q. Okay. Do you currently trade in
22 the stock market?
23 A. No.
24 Q. You don't?
25 A. No.

1 Tauber - Confidential 44
2 Q. You don't have any brokerage
3 accounts --
4 A. No.
5 Q. -- that are active?
6 A. I think Fidelity may have \$150 in
7 an IRA, but that's -- as far as I know,
8 that's the only thing I have.
9 Q. Okay. Was there a time when you
10 traded securities?
11 A. There was.
12 Q. And during what period of time
13 did you trade securities?
14 A. Well, I had an IRA, and -- during
15 my career, and, so, I had -- I had
16 securities, but I -- but they weren't
17 anything that I controlled. In other
18 words, they were -- they were part of a --
19 of a -- I forgot the word -- just --
20 Q. A discretionary account?
21 A. No.
22 Q. No.
23 A. Not a discretionary account. I
24 think they were -- I think I had it with --
25 well, it was -- you know, you -- quite

1

Tauber - Confidential

45

2

frankly, you just put money -- you put
money into an account, and, basically, it's
something that -- that is taken care of
without any interference. And I know
that's not a very sophisticated
description. But it -- it was a -- and I'm
just trying to remember who I had it with.
But I -- I can't -- it was one of the
larger -- one of the -- it was a fund.
Okay. It was a fund.

12

Q. Okay. So you had a -- you had a
Fidelity account, correct?

14

A. Right.

15

Q. And you made investment decisions
with respect to the assets in that account,
correct?

18

A. Correct.

19

Q. Meaning you would -- you would
make the decision to buy or sell the
securities that were held in that account,
correct?

23

A. Yes.

24

Q. And how many -- and that was at
Fidelity?

1

Tauber - Confidential

46

2

A. Yeah.

3

Q. How many Fidelity accounts did
you have?

5

A. I had three.

6

Q. Three?

7

And what were they?

8

A. One was an individual account.

9

One was, I believe, an IRA, and the other
one was a 401k, I think, if I'm not
mistaken.

12

Q. Okay. So two were
retirement-type accounts.

14

A. Yeah.

15

Q. And one was just an individual
account?

17

A. Right.

18

Q. All right. And did you have --
when you traded, did you have any sort of
investment thesis that you followed?

21

A. I was interested in the tech
field, and I thought that -- that that was
an area where there was the possibility of
significant investment --

25

Q. Okay.

1

Tauber - Confidential

47

2

A. -- opportunities.

3

Q. Did you -- did your investment
thesis differ whether you were trading your
-- your own personal account or your two
retirement accounts?

4

A. Not really.

5

Q. You basically traded them the
same way, the three accounts?

6

A. Yeah.

7

Q. Okay. And for how long did you
trade securities?

8

A. I'm trying to remember. I
believe I started the Fidelity account in
2004/2005.

9

Q. All right. Before that, before
2004/2005, had you traded securities?

10

A. Never.

11

Q. Never?

12

A. Only as I indicated through a --
through a fund.

13

Q. Right. Okay.

14

And when you say through a fund,
you purchased shares in a fund, and the
fund had its own thesis and would buy and

15

1

Tauber - Confidential

48

2

sell securities.

3

A. Yeah, yeah.

4

5

Q. All right. Like -- and was that with Fidelity?

6

7

8

9

A. You know, it wasn't. It was -- it was with one of the -- one of the -- the large funds that went out of business during the recession. So --

10

11

Q. Okay. And you say that you don't trade securities anymore?

12

A. No.

13

Q. And why not?

14

15

16

17

18

19

20

21

22

23

24

25

A. Well, as they say, hindsight is 20/20. I -- looking back on -- on my -- my career in trading stocks, I can see that even though I -- I tried to be diligent, and I did everything I could to be as knowledgeable as possible, that the stock market is a very difficult mechanism for making money, and one can lose a good deal of money as well as make a good deal of money.

Q. And -- and what happened to the three accounts that you had at Fidelity, or

1

Tauber - Confidential

49

2

two retirement-type accounts and your
individual account?

4

5

6

7

8

9

10

11

A. -- I lost a great deal of
money, especially with my Sigma account.
And I think I closed them out perhaps two
years ago. But there were just a few
thousand dollars left. They had -- they
had diminished greatly over the period of
time. I -- I think that's probably the
best way to describe it.

12

13

14

15

16

Q. So is it fair to say that your
three Fidelity accounts -- your two
retirements accounts, and your individual
account -- they were depleted because of
losses in trading?

17

A. Yes.

18

19

Q. Had you made any withdrawals from
those accounts?

20

21

22

A. Well, it depends when you --
when. I made withdrawals after 2008, but I
don't think they were very large.

23

24

Q. All right. By very -- you don't
think they were very large.

25

What number are you talking

1

Tauber - Confidential

50

2

about?

3

A. I can't imagine that they would
be more than \$20,000.

5

Q. Okay. All right.

6

7

And you said you -- you lost
mainly your, quote, Sigma account?

8

A. Mainly.

9

10

11

12

Q. All right. During the class
periods, though, that are involved in this
case, you made money during those periods
in trading Sigma, correct?

13

A. I cannot -- I cannot say.

14

15

Q. You cannot say because you
haven't added up -- added up the trades?

16

17

A. I cannot say because I haven't --
I haven't looked at that in several years.

18

Q. Okay.

19

20

A. This is not a particularly --
something I -- I -- I like to dwell on.

21

Q. I understand.

22

23

24

During the -- the period that you
were trading shares, approximately how many
different securities did you trade?

25

A. At different companies, different

1

Tauber - Confidential

51

2

stocks?

3

Q. Yes.

4

A. It would -- it would certainly be less than 50, more than 20.

5

Q. At any given time?

6

A. Now I'm talking over -- over the period.

7

Q. All right. So just take, for example, the -- the class periods in this action, right, which go back to 2007 and part of 2008.

8

A. Yeah.

9

Q. During that timeframe, approximately how many securities would you be trading at -- at the same time? How many positions would you hold?

10

A. I would say less --

11

MR. BROWER: Objection to form.

12

A. I'm sorry?

13

Q. I'll rephrase the question.

14

During the -- during the class

15

periods --

16

A. Yeah.

17

Q. -- involved in this case --

1

Tauber - Confidential

52

2

A. Yeah.

3

Q. -- which go from, I think,
approximately the middle of 2007 to the
first quarter of 2008 --

6

A. Yeah.

7

8

9

Q. -- at any given time,
approximately how many different securities
would you own?

10

A. Less than ten.

11

12

13

Q. Okay. Do you recall what any of
them were back during the time of the class
period involved here?

14

15

16

A. I can recall -- one of them was
called LNOP, I think, which was an Israeli
company, tech company.

17

Q. Were they all tech companies?

18

19

A. I don't think they were all tech
companies, no.

20

21

22

Q. Aside from the tech companies,
what -- what industries were they involved
in?

23

24

25

A. Let's see. I think I had -- I
had some shares in -- in some drug
companies. Now, if we're talking about the

1 Tauber - Confidential 53

2 period -- I have a hard time remembering
3 whether it's within that period. I
4 think --

5 Q. Okay.

6 A. But I did have some -- some
7 medical or -- or medical devices, drug
8 companies -- that's all I can think of at
9 the moment.

10 Q. Okay. And at the time that you
11 started trading securities for your own
12 account, approximately how many did you
13 start out with?

14 A. I'm not clear on the question.

15 Q. Okay. Fair enough.

16 When -- when did you first start
17 trading securities for your own account?
18 About 2004?

19 A. 2004, 2005, somewhere in there.

20 Q. Okay. When you started doing
21 that, how many -- how many positions of
22 different companies did you have at one
23 point?

24 MR. BROWER: Objection to the
25 form.

1

Tauber - Confidential

54

2

A. At one point, I'm not sure -- I'm
not sure I could answer that.

4

Q. All right. When you opened it
up, did you -- were you -- was it -- were
you only trading one company? Was it more
than one?

8

A. I wasn't trading companies at

9 first. I was -- I was trading funds.

10

Q. When is the first time that you

11 started trading companies?

12

A. Probably six months to a year
after I was -- after I had opened my
13 account at Fidelity.

14

Q. All right. And when you started
trading your own securities, you making the
16 investment decisions on what to buy and
what to sell --

17

A. Right.

18

Q. -- approximately how many
19 positions did you have at one time?

20

MR. BROWER: At any one time?

21

MR. HYLAND: At the -- at the

22

time he -- at the time he started.

23

MR. BROWER: When they opened the

24

25

1 Tauber - Confidential

55

2 account?

3 MR. HYLAND: When they opened the
4 account, the first few months, call it.

5 A. Well, as I said, I didn't -- I
6 didn't trade in individual companies
7 immediately.

8 Q. Right.

9 A. It would have been six months to
10 a year, and I probably started out with two
11 or three initially.

12 Q. All right. When is the first
13 time that you purchased or sold a security
14 issued by Sigma?

15 A. Oh, wow. Well, I guess it must
16 have been 2006, I think.

17 Q. Okay. Why were you interested in
18 Sigma?

19 A. I -- I was really looking for,
20 you know, the best investment
21 opportunities. I would read tech
22 magazines. I'd read -- I became
23 involved -- not involved, but I followed
24 what's called, I think, George Gilder's
25 newsletter. I would go to the Yahoo. You

1

Tauber - Confidential

56

2

know, I would -- I would read everything I could. I would try to be knowledgeable.

4

And Sigma came to my attention through some of the people that were investing through George Gilder, or not through him, but -- but were discussing him or this particular stock on -- on the Gilder website.

9

Q. And did you speak to anyone about possibly investing in Sigma?

11

A. I don't think I ever spoke to anyone. I think -- if we're talking about before I began to -- to invest, I would follow it -- follow the conversation. And mostly, I would follow conversations. I wasn't a very active participant. I didn't think I really -- at least at that point, I wanted to learn. I wasn't -- didn't think that I necessarily had -- had information that was especially useful to others.

21

So I listened, and I watched, and I read what people were saying about it. And it was -- I think, initially, it was less than \$10 a share when I first heard about it. And that -- that might have been

1 Tauber - Confidential 57

2 in the fall or the summer of 2006. I'm not
3 sure.

4 Q. Did you consult any financial
5 professional about investing?

6 A. Not really.

7 Q. Okay. Did you read any books?

8 A. Yeah.

9 Q. Can you identify any of them?

10 A. There were one or two books that
11 I -- that I got, I think on -- on trading
12 in the stock market that a picked up,
13 general books on -- on trading and
14 investment strategies. And there was at
15 least one Motley Fool book for the same
16 purpose. And there were -- you know, I'd
17 follow Yahoo and read what I could on -- on
18 stocks and -- and the tech field because
19 it's not something that I know a great deal
20 about. And I did my best to educate
21 myself.

22 Q. When you say you read -- you read
23 Yahoo, are you referring to the Yahoo blogs
24 on certain securities?

25 A. Well, I also was reading Market

1

Tauber - Confidential

58

2

Watch -- is it called Market Watch?

3

Q. Okay. Okay.

4

A. Very -- very carefully, I was,

5

you know, once again, trying to -- to
become somewhat knowledgeable. And -- and
I would read -- I would certainly read the
blogs of any stocks that I was -- and I
don't mean -- by blogs, I guess we're both
talking about a chat -- more or less, a
chat room.

12

Q. Okay, right. Yeah.

13

A. I mean, there would occasionally
be -- be information that was from the
company or -- or they would reference
articles in other places, which I would go
to consistent with.

18

Q. Right. Okay.

19

Can you describe mechanically the
process that you followed when you placed
an order to purchase or sell a security.

22

A. Well --

23

MR. BROWER: Objection.

24

Foundation.

25

Q. Well, I'll rephrase.

1

Tauber - Confidential

59

2

A. Okay.

3

4

5

Q. Did you make -- was it your
practice to make investment decisions
yourself in buying and selling Sigma?

6

A. Yeah.

7

8

Q. Same question with respect to
other securities.

9

A. Yeah.

10

11

12

Q. And when you made a decision to
buy or sell, for example, Sigma, how did
you go about effectuating the transaction?

13

14

15

16

17

18

19

20

A. Well, I would use the Fidelity
online stock-trading mechanism, which I
imagine is like -- like most of them. They
basically give you an opportunity to -- to
purchase stocks in realtime, and -- and I
would -- I can't think of -- of any stocks
that I purchased other than through
Fidelity.

21

22

Q. All right. So you did it
entirely online?

23

24

25

A. I think there were some trades
where I actually called Fidelity to -- to
make the trades --

1 Tauber - Confidential 60

2 Q. Okay.

3 A. -- in a few instances. But other
4 than that, it was -- it was almost all
5 online.

6 Q. All right. So you would input
7 the transaction on your computer?

8 A. Yeah.

9 Q. Correct?

10 A. Yeah.

11 Q. You'd log into your Fidelity
12 account.

13 A. Yeah.

14 Q. And you would --

15 MR. BROWER: Let him finish the
16 question.

17 Q. You -- and you would place the
18 order online, correct?

19 A. Correct.

20 Q. And then what happened after you
21 did that?

22 A. I'm not sure what you mean by
23 "what happened." I would get a -- I would
24 get a letter confirming.

25 Q. All right.

1

Tauber - Confidential

61

2

A. I would also -- there would also be an online confirmation of -- of some sort. And it would be reflected in -- in my shares and also my account.

6

Q. Right. And did you keep -- did you keep those records?

8

A. You know, I -- I've moved twice. I -- I really haven't kept any of those records.

11

Q. All right. At the time, did you keep the records?

13

A. Well, I did -- I did at that time.

15

Q. All right. And did you reconcile your -- did you get a monthly statement from Fidelity?

18

A. Yeah.

19

Q. And did you check the monthly statement?

21

A. Yeah.

22

Q. Did you ever have any disputes as to the accuracy of the information contained on the statements that you received?

1

Tauber - Confidential

62

2

A. No.

3

Q. Okay. How did you compute your
-- your gains and losses on your securities
trading?

6

A. I'm not sure -- I'm not sure

7 about your question.

8

Q. Okay. So you were trading -- you
9 might have been trading maybe ten
10 securities at any given time during the
11 class period, correct?

12

A. I think that's fair.

13

Q. All right. So that means you're
14 buying securities and you're selling
15 securities?

16

A. Yeah.

17

Q. How did you calculate your amount
18 of losses and your amount of gains for
19 income tax purposes?

20

A. Well, I basically turned over my
21 Fidelity account information to my
22 accountant, and he would make those
23 calculations.

24

Q. Okay. And did he make those
25 calculations with respect to each security

1

Tauber - Confidential

63

2

that you traded?

3

A. This goes back a number of years.

4

I don't -- I don't have a specific
recollection.

5

Q. All right. And did your
accountant provide you with documents
showing your profits and losses?

6

A. I received a -- my tax document
or tax return that -- that would be the --
the sum total of it.

7

Q. All right. And who was your
accountant back in 2006 through 2008?

8

A. David Kobe.

9

THE WITNESS: I'm sorry?

10

MR. BROWER: Nothing.

11

Q. I'm sorry?

12

A. David Kobe, K-O-B-E.

13

Q. Okay. Is he still your
accountant?

14

A. Yes, he is.

15

Q. Okay. And where is he located?

16

A. In San Francisco.

17

Q. All right. And do you know
whether -- what method that was utilized in

1

Tauber - Confidential

64

2

computing profits and losses on your
trades, like a first in/first out, last
in/first out? Do you know what was -- what
kind of methodology was -- was used?

3

A. No.

4

Q. Okay. Aside from your Fidelity
account, have you ever had any other
account through which you purchased or sold
securities, aside from that fund that you
identified before?

5

A. Right.

6

MR. BROWER: And not including
the 401k or the IRA.

7

Q. I -- I am including that, because
that was held at Fidelity, right?

8

MR. BROWER: Oh, I'm sorry. You
said account.

9

MR. HYLAND: I'm sorry.

10

MR. BROWER: Private accounts.

11

MR. HYLAND: Thank you.

12

MR. BROWER: I thought you were
referring to the individual account.

13

MR. HYLAND: I appreciate it.

14

Yes, okay.

1

Tauber - Confidential

65

2

Q. Aside from the three accounts that you've identified at Fidelity, have you had any other accounts through which you purchased or sold securities?

6

A. No.

7

8

9

Q. All right. And when is the last time that you purchased or sold a security in your -- one of your Fidelity accounts?

10

11

12

13

A. Like I -- as I mentioned, I think there were a few thousand dollars remaining in my account -- one of my accounts a few years ago, and I withdrew that.

14

15

16

17

Q. All right. And aside from the two retirement accounts that you had at -- at Fidelity, do you have any other retirement accounts?

18

19

A. No. Well, I don't know what you mean by "retirement accounts."

20

21

Q. Any other 401k or Keogh or any other IRAs other than the --

22

A. No.

23

24

Q. -- ones that were represented in the Fidelity accounts?

25

A. No.

1

Tauber - Confidential

66

2

Q. Okay. Now, what was it about

3

Sigma that got you interested?

4

A. As I've indicated, there was a

5

good deal of talk on -- on the -- on the --

6

in the -- in the Gilder chat room, if you

7

want to call it that. And that got my

8

interest, and I started to do some

9

research.

10

Q. What did you like about Sigma?

11

A. Well, what they were doing was

12

they were creating an interface that

13

allowed people who -- or allowed companies

14

to bring digital information into the home

15

to be distributed through the home. And at

16

the time, they were the only company that

17

had a device or device -- device

18

sophisticated enough to do that. And, so,

19

there was a lot of chatter about them.

20

There was a lot of -- I mean, not

21

just on Gilder, but -- but I believe

22

I've -- I read a number of articles, some

23

of which might have been in Market Watch,

24

and others, which suggested this was --

25

this was a real comer. I think even Motley

1

Tauber - Confidential

67

2

3

Fool did several articles on it. And I started to -- to follow it closely.

4

Q. What did Sigma manufacture?

5

6

7

8

9

10

11

12

13

14

A. It was -- it's -- it's an interface device which allows different streams in the home to -- to divide and to provide data to any number of devices -- TVs, computers. And, I mean, that's -- that was -- as I recall, that was their main product. And it was a small company, and it had a very -- at the time, it had almost a monopoly, as I understood it, on such a device.

15

16

Q. All right. Were you aware of its competition?

17

18

19

A. I was aware that there were other companies that were far larger that could be competition.

20

Q. Who were they?

21

A. I don't remember.

22

23

24

Q. Okay. And during the time that you -- I may have asked it. I just want to make sure.

25

During the time that you traded,

1

Tauber - Confidential

68

2

purchased, and sold Sigma, was there any person from whom you personally sought advice, either formally or informally?

5

A. Well, I -- I -- I -- you know, as I said, I -- I tried to -- to find or to locate information as best I could, which meant -- meant I went to a few informational conferences, where, not just Sigma, but a number of companies would have an opportunity to talk about their products and about their company and give information.

14

So I -- I went to more than one, perhaps two or three such -- such gatherings. I had an opportunity to speak briefly to their spokespersons during question periods and briefly afterwards. So I -- I became somewhat more acquainted with this particular stock than -- than any other.

19

Q. Okay. And what were the total -- back in 2007/2008, what were the total assets in your three Fidelity accounts?

25

A. You have to tell me when we're

1

Tauber - Confidential

69

2

talking about.

3

Q. Yeah, I did. 2007/2008.

4

A. I understand, but -- but the

5

amount -- are we talking amounts, or are we
talking --

6

Q. Yeah. The value.

7

What was the total value of your
three Fidelity -- Fidelity accounts?

8

A. Well, I mean, it -- it

9

fluctuated.

10

Q. Approximately what's the range?

11

A. At some point, it might have
been -- I don't know -- something over --
or in the neighborhood of \$2 million.

12

Q. 2 million? Yes?

13

MR. HYLAND: Should we take a

14

break?

15

MR. BROWER: Sure.

16

THE VIDEOGRAPHER: Stand by,

17

please.

18

The time is 11:02. This is the

19

end of Tape No. 1. We are off the

20

record.

21

(Recess)

1 Tauber - Confidential

70

2 (Mr. Kerr exited the conference
3 room.)

4 THE VIDEOGRAPHER: The time is
5 11:12 a.m. This is the beginning of
6 Tape No. 2. We are back on the record.

7 EXAMINATION CONTINUED

8 BY MR. HYLAND:

9 Q. Mr. Tauber, what was the source
10 of the money that was used in your three
11 accounts to trade securities? By "three
12 accounts," I'm referring to the Fidelity
13 accounts.

14 A. The IRA and the 401k were from my
15 -- my employers. And the individual
16 account was money that I had saved over the
17 years.

18 (Mr. Kerr entered the conference
19 room.)

20 Q. Was any portion in inheritance?

21 A. Yes.

22 Q. How much?

23 A. I believe -- I believe
24 approximately \$200,000.

25 Q. 200?

1

Tauber - Confidential

71

2

A. I believe.

3

Q. Okay. And do you recall, back in
4 2007/2008, how much -- what the total
5 assets were in your individual account?

6

A. You know, I think it was pretty

7 much half was in individual.

8

Q. Okay.

9

A. Half was in the IRA and the 401k.

10

Q. Okay. All right.

11

MR. HYLAND: And if I could mark
12 as an exhibit some -- 2 -- 2 and 3.

13

This is 2.

14

MR. KERR: That's 2 and 3?

15

MR. HYLAND: No, that's just 2.
16 That's your copy. I have a copy for
17 each of you.

18

MR. KERR: Thank you.

19

(A set of interrogatories was
20 marked as Tauber 2 for identification.)

21

MR. HYLAND: And this is 3.

22

(First amended interrogatories
23 were marked as Tauber 3 for
24 identification.)

25

Q. Just looking at Exhibit 2, do you

1

Tauber - Confidential

72

2

recognize this document, Mr. Tauber? It's
3 entitled "Defendants Sonar Capital
4 Management's, Neil Druker's, Sonar Partners
5 LP's, Sonar Institutional Fund LP's, and
6 Sonar Overseas Fund LTD's first amended
7 interrogatories."

8

(Pause)

9

MR. BROWER: Mr. Hyland, you

10 asked him if he sees the document?

11

MR. HYLAND: If he recognizes it.

12

MR. BROWER: Oh, okay.

13

Q. Have you seen it before?

14

A. I'd like to -- I'd like to read a
15 document before I -- before I answer.

16

(Pause)

17

A. Yes, I believe I have.

18

Q. Okay. And did you provide
19 answers to those interrogatories?

20

A. Yes, sir, I believe I did.

21

Q. All right. And if I could also
22 direct your attention to Exhibit 3. I
23 think those are document responses.

24

Have you seen those before?

25

MR. BROWER: Object to the form,

1 Tauber - Confidential 73

2 but go ahead.

3 A. If I may.

4 Q. Yes, sure.

5 (Pause)

6 A. I believe I have seen this.

7 Q. Okay. And are those the
8 responses that the plaintiffs submitted in
9 response to the defendants' request for
10 production of documents?

11 A. You know, I -- I -- I recall
12 reviewing this and discussing this with
13 counsel. As to whether or not this was, in
14 fact, the document that was returned, I
15 couldn't -- I couldn't answer at this
16 point.

17 Q. When you say "document returned,"
18 do you mean returned to the defendants?

19 A. Correct.

20 Q. Okay. But do you recall
21 reviewing a draft of the responses prior to
22 the document being put in -- into final and
23 served on the defendants?

24 A. I consulted with and reviewed the
25 documents. And upon completion of that

1 Tauber - Confidential

74

2 review and consultation, my attorney
3 returned the document, as I recall.

4 Q. And did you approve what is
5 marked as Exhibit 3, the responses to
6 Sonar's document requests?

7 A. I believe so.

8 Q. Okay.

9 MR. HYLAND: If I could mark as
10 Tauber Exhibit 4. That's the next
11 document.

12 (Objections and responses to
13 defendants' first amended
14 interrogatories were marked as Tauber 4
15 for identification.)

16 (Pause)

17 Q. And this is entitled "Plaintiff
18 Jeffrey Tauber's objections and responses
19 to Defendants Sonar Capital Management
20 LLC's, Neil Druker's, Sonar Partners LP's,
21 Sonar Institutional Fund LP's, and Sonar
22 Overseas Fund LTD's first amended
23 interrogatories."

24 I'd like to direct your attention
25 to the last page of the document.

1

Tauber - Confidential

75

2

A. The verification.

3

Q. There's a verification, right?

4

A. Yeah.

5

Q. And that's your verification?

6

A. That's my hand -- that's my
7 signature.

8

Q. All right. And that is your
9 signature verifying the accuracy of the
10 answers to the interrogatories set forth in
11 Exhibit 4?

12

A. I believe that's what a
13 verification is, and that's correct.

14

Q. All right. And when you received
15 the interrogatories -- you received the
16 interrogatories from counsel, which are
17 Exhibit 2, I believe, before you answered?

18

A. That's correct.

19

Q. Okay. And you provided the
20 answers in consultation with counsel to
21 these interrogatories?

22

A. That's correct.

23

Q. And after doing so, then you
24 signed the verification, and that's on the
25 last page?

1 Tauber - Confidential 76
2 A. That's correct.
3 Q. All right.
4 MR. HYLAND: The next document.
5 (A summons and complaint filed
6 February 23, 2006, was marked as Tauber
7 for identification.)
8 Q. Do you recognize what's been
9 marked as Tauber Exhibit 5?
10 A. I need a moment.
11 Q. Okay.
12 (Pause)
13 A. Yes.
14 Q. Okay. What is the document?
15 A. It's a suit that was brought in
16 the California court, and it was for my --
17 my fee for work done for the State Bar
18 Association.
19 Q. Okay. And you brought a suit
20 against the State Bar Association for a
21 breach of contract?
22 A. That's correct.
23 Q. Okay. And it's entitled -- the
24 first or the second page says "Summons."
25 And then there are several pages thereafter

1

Tauber - Confidential

77

2

with questions and answers in which you
would check a box.

4

Do you see that?

5

A. Mm-hmm.

6

Q. Yes?

7

A. Yes.

8

Q. And did you check those boxes?

9

A. I believe -- I believe I -- I
did.

Q. All right. And you caused this
suit to be filed against the State Bar
Association?

14

A. I believe -- I believe so.

15

Q. Okay. And then if you take a
look towards the -- the back, we see a --
an exhibit dated August 11, 2002, and
that's a letter from you to Mr. Scott
Drexel.

20

Do you see that?

21

A. Yes, sir.

22

Q. And is that your letter to him?

23

A. I believe it is.

24

Q. And then after that, we see
another letter dated November 28, 2005, a

1

Tauber - Confidential

78

2

two-page letter.

3

Do you see that?

4

A. I do.

5

6

Q. And that's a letter from you, again, to Mr. Drexel?

7

A. That's correct.

8

9

10

Q. All right. And is it fair to say that in this letter, you describe your complaint against the Bar Association?

11

A. I believe that's correct.

12

13

Q. Okay. And did you prepare this letter yourself?

14

A. I did.

15

16

Q. I'm talking about the November 28, 2005, letter.

17

A. Yeah, I did.

18

19

Q. Okay. And you remember this suit?

20

A. I certainly do.

21

22

Q. Okay. Did the suit get any publicity?

23

24

25

A. The suit was settled -- was resolved, and it was done so with an agreement that the results were to be

1

Tauber - Confidential

79

2

private.

3

Q. Okay. All right.

4

Did you consider it to be a
rather serious matter to sue the Bar
Association of the State of California?

5

A. I believe I indicate in here that
it's a relatively minor matter.

6

Q. Okay. But it was your decision
to bring the suit, right?

7

A. Yeah.

8

Q. If I could direct your attention
to Exhibit 2.

9

A. Okay.

10

Q. Excuse me. Exhibit 4.

11

A. Four?

12

Q. Yeah.

13

A. I'm sorry.

14

(Pause)

15

Q. And these are your objections and
responses to the defendants'
interrogatories that were served on you?

16

A. I believe so.

17

Q. Where you had your verification
on the last page?

1 Tauber - Confidential 80

2 A. Yep.

3 Q. And if I could direct your
4 attention to Interrogatory No. 10, which is
5 on page 12 of Exhibit 4.

22 A. Okay.

23 Q. And then you gave an objection
24 and a response to Interrogatory No. 10,
25 correct?

1

Tauber - Confidential

81

2

A. Yep.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Q. And then if you look at your response, it says, "Subject to and without waiving the foregoing objections, Tauber states as follows: Other than the present litigation, Tauber has not, during the last ten years, been involved as a named party or class representative in a litigation or arbitration in any jurisdiction or before any tribunal or administrative agency."

That was your answer, correct?

A. Correct.

Q. That answer is not truthful, is it?

A. It is truthful, if truth -- if truth means that one is doing one's best to tell the truth. If it's factual, I would say no, it is not factual.

Q. So you'd say it's inaccurate.

A. I think that's appropriate.

Q. Because your complaint against the State Bar of the State of California was filed February 23, 2006, correct?

A. Yes.

1

Tauber - Confidential

82

2

Q. And your verification is dated
January 22, 2014, correct?

4

A. I believe so.

5

Q. All right. And, so, your suit
against the State Bar of California should
have been identified when you answered
Interrogatory No. 10, correct?

8

A. That is correct.

10

Q. Okay. And in your verification,
you declare that your answers, under the
penalty of perjury, are true and correct,
correct?

13

A. To the best of my knowledge. I
mean, there's always the requirement that
one be -- be truthful. But this was a
minor -- a relatively minor case, and one
that occurred eight years prior, and simply
did not come to mind.

15

Q. Okay. At the -- at the time that
you submitted the verification --

17

A. Yeah.

19

Q. -- were you or were you not aware
that you had filed an action against the
State Bar of California in 2006?

1

Tauber - Confidential

83

2

A. I was not aware because I did
not -- it did not come to mind.

4

Q. If it had come to mind, would you
agree with me that it should have been
disclosed in your answer --

7

A. Of course.

8

Q. -- to Interrogatory No. 10?

9

Is that right?

10

A. Of course.

11

Q. Are there any other actions or
proceedings that should have been disclosed
in your response to Interrogatory No. 10,
which is Exhibit 4?

15

MR. BROWER: What he recalls now

16

that he didn't recall then?

17

MR. HYLAND: Let the question

18

as --

19

MR. BROWER: Object to the form.

20

MR. HYLAND: -- as stated.

21

MR. BROWER: Go ahead. Answer.

22

A. I actually have -- have given --
when I think about it, there was a lawsuit
that was filed, I think, about ten years
ago. It might have been -- it might have

1

Tauber - Confidential

84

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

been within ten years. I have a summer home on the Russian River, and there's damage to the banks of that river and to my dwelling that had been attributed by experts to the damming of water by the PG&E, which is the electric company in California, and I filed a lawsuit against them. It would have probably been in 2004/2005. And that matter was resolved as well.

Q. You were the plaintiff in that case?

A. That's correct.

Q. Where -- in what court was the lawsuit filed?

A. Mendocino County.

Q. Who was the defendant?

A. Pacific Gas and Electric Company.

Q. And what was the outcome of that?

A. The outcome is a matter of settlement and, I believe, is not open to the public.

Q. Did you receive a monetary payment?

1

Tauber - Confidential

85

2

A. The outcome of that is not open
to the public, to my knowledge.

4

Q. All right. Was there a
settlement agreement?

6

A. There was an agreement.

7

Q. And the settlement agreement had
a confidentiality provision?

9

A. I believe it did.

10

11

Q. And the confidentiality provision
stated that it couldn't be disclosed except
as required by legal process?

13

14

A. I'd have to return to the -- to
that agreement. I have not looked at it in
-- in ten years.

16

Q. Okay.

17

18

19

MR. HYLAND: I want it on the
record asking that that happen and that
we receive a copy of it.

20

21

22

23

24

25

MR. BROWER: Well, if the
agreement says -- it doesn't say under
compulsion by a Court order or
something, we'll take it under
consideration. If it does, the answer
is no.

1 Tauber - Confidential 86
2
3 MR. HYLAND: Well --
4 MR. BROWER: If it doesn't have
the exception --
5 MR. HYLAND: All right.
6 MR. BROWER -- you're suggesting,
7 the answer is no.
8 MR. HYLAND: I would say that
9 whether it does or it doesn't, I think
10 that it would have to be -- have to be
11 produced because of -- it's clearly --
12 clearly an exception to that. But we
13 can talk about that.
14 MR. BROWER: We can talk about
15 that.
16 MR. HYLAND: I'm not going to
17 debate about it now.
18 Exhibit 6.
19 (A document entitled
20 United States Tax Court Docket Entries
21 was marked as Tauber 6 for
22 identification.)
23 Q. Do you recognize Exhibit 6?
24 A. No.
25 Q. This at the top says,

REDACTED

1

Tauber - Confidential

87

2

"United States Tax Court Docket Entries,"

3

and it says -- on the left, there's a

4

docket number, and it says, "Jeffrey Tauber

5

versus Commissioner of Internal Revenue."

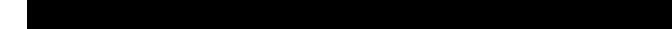
6

Do you see that?

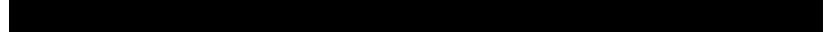
7

A. I do.

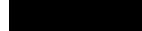
8



9



10



11



12



13



14



15



16



17



18



19



20



21



22



23



24



25



REDACTED

Tauber - Confidential

88

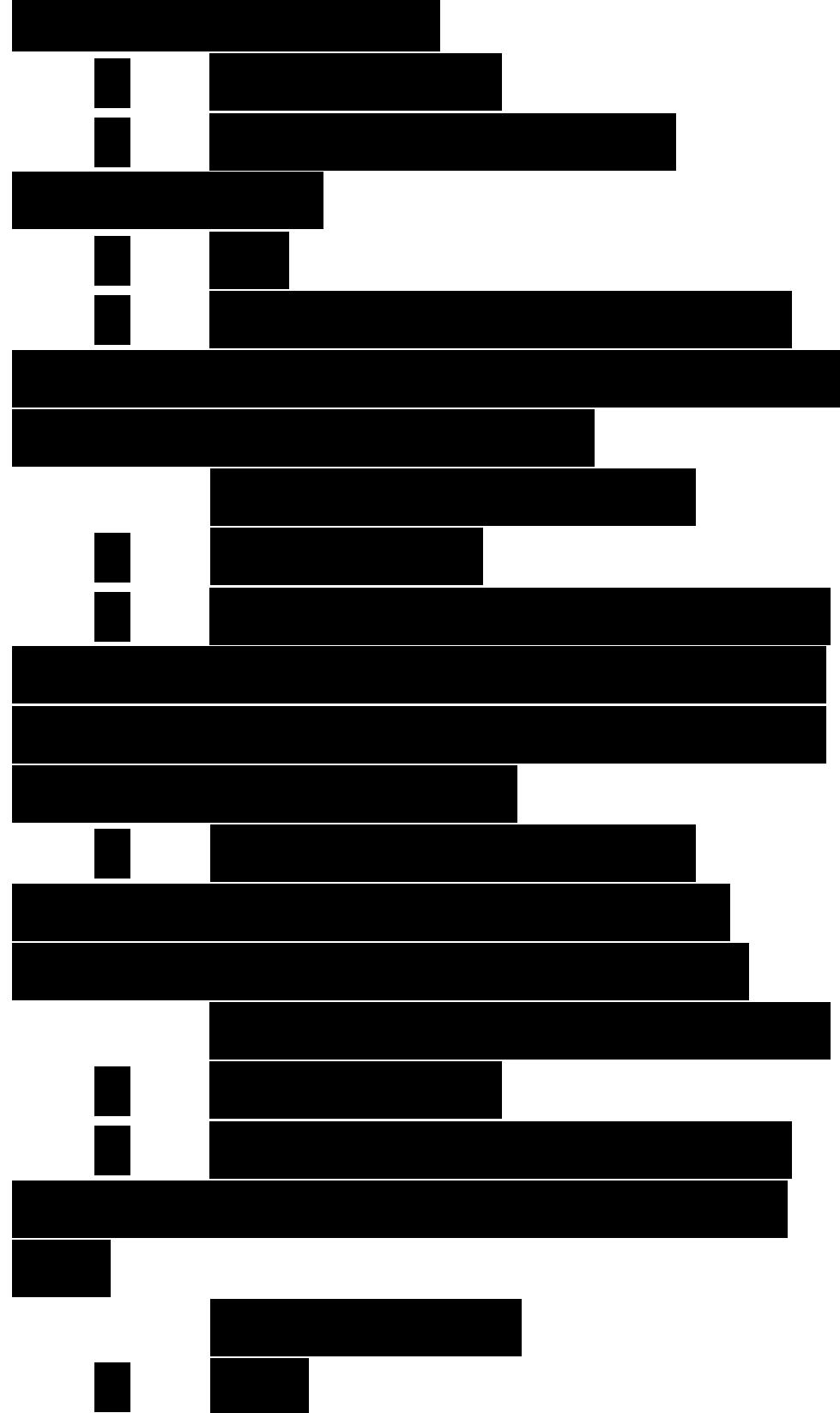
1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

REDACTED

Tauber - Confidential

89

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



REDACTED

1 Tauber - Confidential 90

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

REDACTED

Tauber - Confidential

91

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

REDACTED

1

Tauber - Confidential

92

2

[REDACTED]

3

4

5

6

7

8

9

10 Q. All right. And how do you know
11 Mr. Steven Katz?

12 A. He's my tax attorney.

13 Q. How long has he been your tax
14 attorney?

15 A. Probably 2000 -- perhaps 2008.

16 Q. All right. And he's still your
17 tax attorney?

18 A. He's still my attorney.

19 Q. Is he a friend?

20 A. No.

21 Q. Okay. Do you find him to be
22 competent?

23 A. I believe so.

24

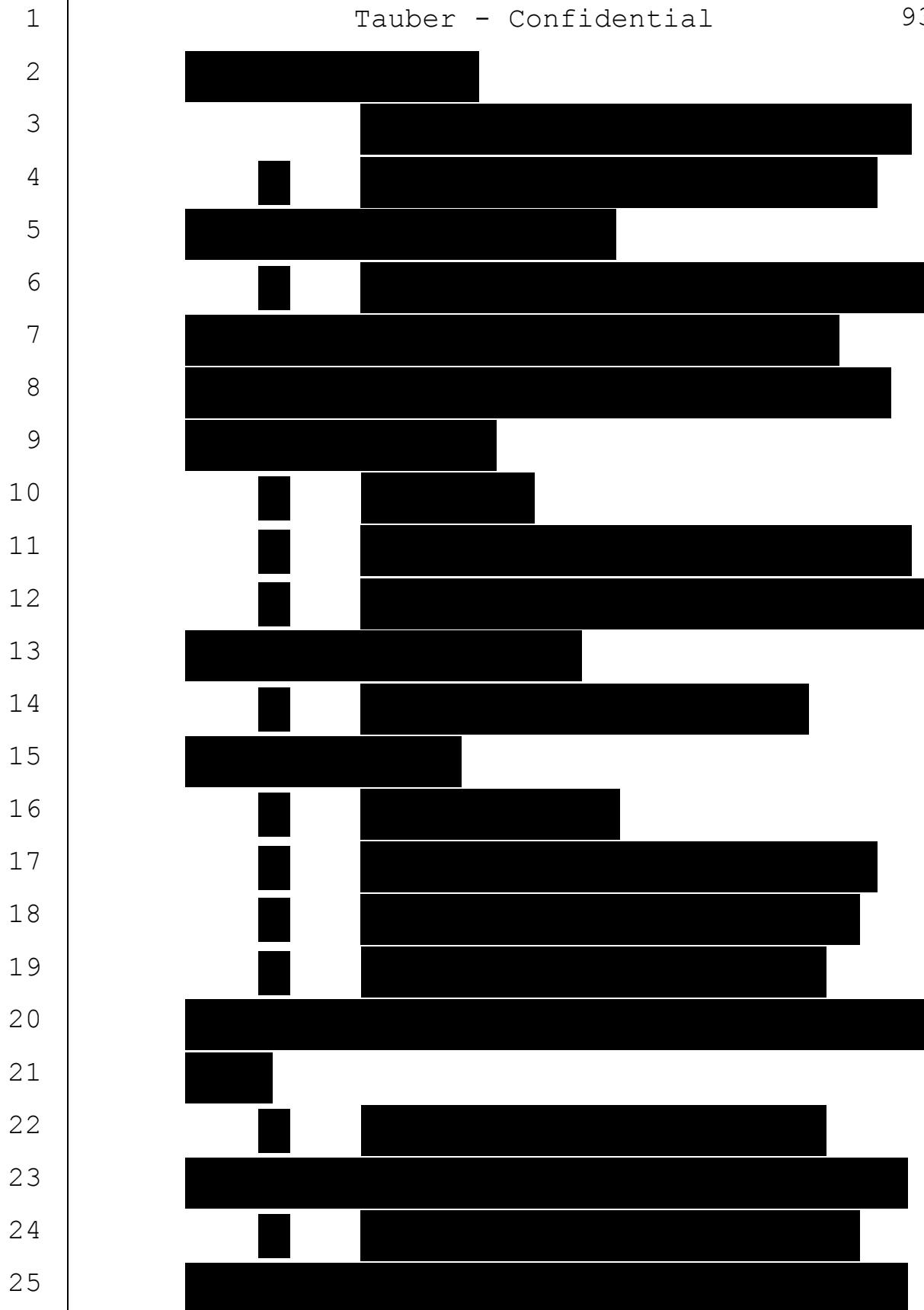
[REDACTED]

25

REDACTED

Tauber - Confidential

93



REDACTED

Tauber - Confidential

94

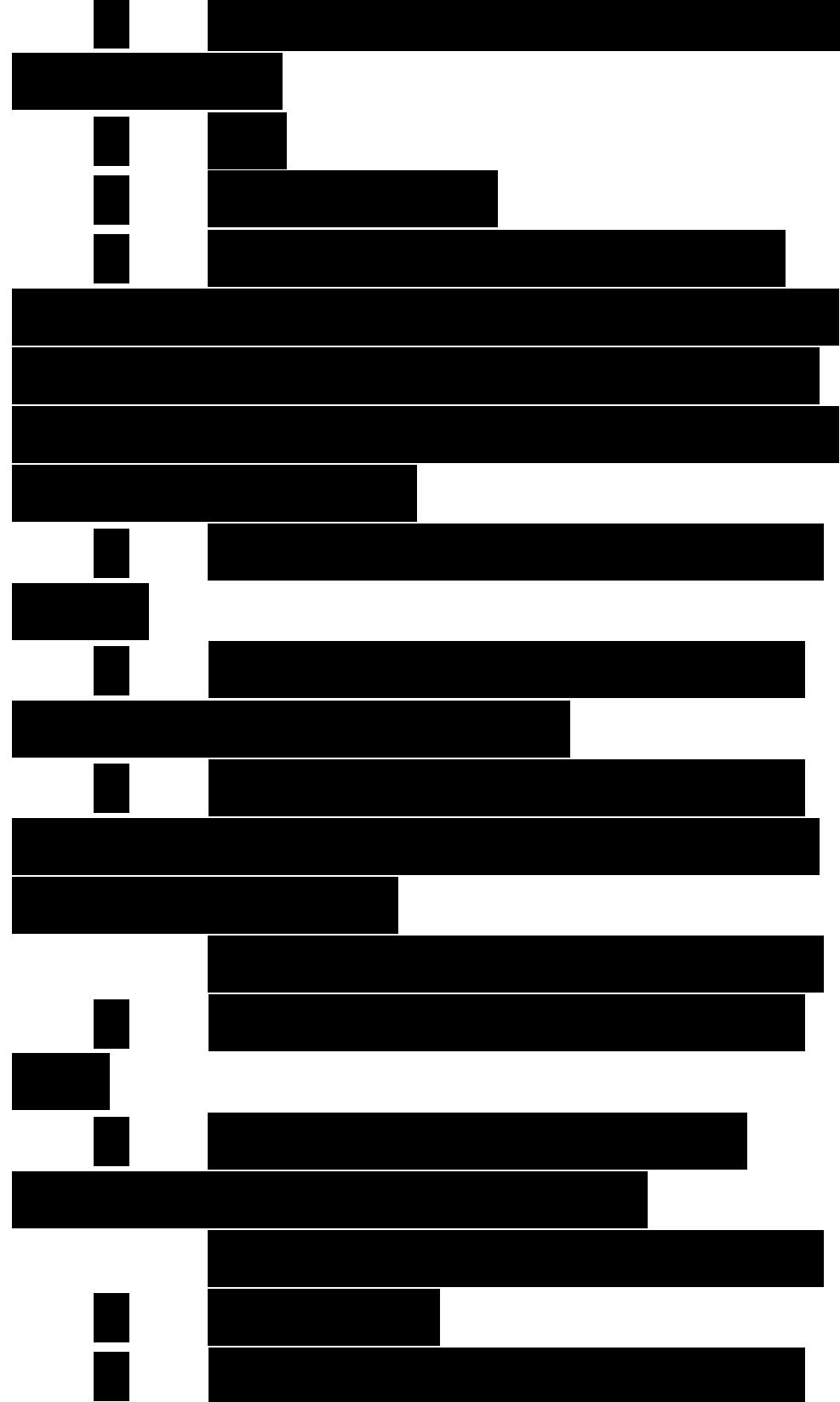
1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

REDACTED

Tauber - Confidential

96

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



REDACTED

Tauber - Confidential

97

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

REDACTED

Tauber - Confidential

98

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

REDACTED

Tauber - Confidential

99



REDACTED

1

Tauber - Confidential

100

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q. Okay. Are you currently insolvent?

A. No.

Q. Are you paying debts as they become due?

A. I am at this time.

Q. Do you have credit card debt?

A. No.

Q. Have you had any credit cards canceled?

A. No.

Q. How many credit cards do you have?

A. Three.

Q. And you use all of them?

A. Yes.

Q. Do you have outstanding balances on any of them?

A. No. Well, I mean, within -- within 3 to \$500 or something.

1

Tauber - Confidential

101

2

3

4

5

Q. Okay. Have you -- you identified some properties. I think you identified a vacation property and a Crammont Avenue property?

6

A. Yeah.

7

8

Q. All right. Do you still own the Crammont Avenue property?

9

A. No, I do not.

10

Q. You sold that?

11

A. I did.

12

Q. When did you sell that?

13

A. It would have been in 2008.

14

15

Q. Okay. When -- when did you purchase that property?

16

A. 2005.

17

18

Q. And did you make or lose money on the sale?

19

A. I lost money.

20

21

Q. How much did you buy it for and how much did you -- did you sell it for?

22

23

24

25

A. I purchased it for, I believe, \$750,000, and it was sold through the bank, and I'm not sure what the selling price was. I think it was somewhere in the

1

Tauber - Confidential

102

2

neighborhood of \$600,000.

3

Q. So it was a foreclosure?

4

A. No.

5

Q. You said you sold it through the
bank.

7

What does that mean?

8

A. Well, there are different ways
that one deals with -- with property sales,
and one of them is to -- to sell it to or
through your bank. And that is the
procedure that -- that I -- I used.

13

Q. Did you sell it to the bank or
through the bank?

15

A. You know, I'm not -- I'm not sure
what the appropriate nomenclature is. I
think there was a buyer, and the bank
assumed the property, and it was sold to
that buyer through the bank, as I
understood it.

21

Q. And at the time of the sale, was
there an outstanding mortgage on that
property, the Cragmont Avenue property?

24

A. There was.

25

Q. What was the amount of the

1

Tauber - Confidential

103

2

mortgage?

3

A. I'm not sure. I think it

4

probably was somewhere between 450 and

5

\$500,000.

6

Q. So you think you have maybe
around 100 or \$150 in equity?

7

A. I have no equity.

8

Q. No equity?

9

A. No equity.

10

Q. Well, if you sold it for 600,000,
and your outstanding mortgage was 450 or
500, that would have left about 100 left
over in equity, right?

11

A. I had no equity.

12

Q. Okay.

13

A. Which means that it -- that I
probably owed more than that.

14

Q. Okay. And what about your
vacation -- I think you mentioned a
vacation property?

15

A. I own a property -- a cabin in
the -- on the Russian River.

16

Q. And where is that located?

17

A. That's located on the -- on --

1

Tauber - Confidential

104

2

well, it's -- it's located in Mendocino
3 County. And the address is 8001 Potter
4 Valley Road.

5

Q. Have you ever lived there?

6

A. For -- from time to time, yeah.

7

Q. All right. And when did you
8 acquire that property?

9

A. It was 2002.

10

Q. And you still own that?

11

A. I still do.

12

13

Q. Is there a mortgage on that
property?

14

A. There is.

15

16

Q. What's the amount of the
mortgage?

17

18

19

A. There's a first and a second. So
it's probably somewhere in the neighborhood
of \$230,000.

20

Q. Total, the first and the second?

21

A. Total, yeah.

22

Q. Do you rent that property?

23

A. I do.

24

25

Q. Are you current on the mortgage
payments on that property?

1 Tauber - Confidential 105

2 A. Yeah.

3 Q. Do you own any other personal --
4 real estate?

5 A. No.

6 Q. During -- during the year
7 2007/2008, am I correct that you were
8 getting paid on a per-diem basis as -- as
9 needed?

10 A. Yeah.

11 Q. And you weren't getting a regular
12 salary.

13 A. No.

14 Q. Okay. For 2007 and 2008, can you
15 give a range of how much you made on your
16 per-diem payments for your services as a
17 judge?

18 A. Not really. It was -- it -- it
19 varied pretty -- pretty significantly.
20 Sometimes, some years, it was as little as
21 \$30,000, and some years, it was over
22 \$100,000.

23 Q. Okay. And do you have a
24 recollection back in 2007 and 2008 what the
25 amount was?

1

Tauber - Confidential

106

2

3

4

5

A. I think 2007 was probably in the neighborhood of -- well, I really don't know. It would -- it would -- 50 to 75,000 perhaps.

6

7

8

Q. Okay. And back in 2007, in your mind, were you relying on your trading to help you make ends meet?

9

10

11

A. I never took any money out. I left it all in. And therefore, I lost it all.

12

13

14

15

16

Q. Do you gamble at all?

A. No.

Q. Ever go to Vegas?

A. Very rarely, and -- and I don't gamble.

17

18

Q. All right. And how did you learn about this lawsuit?

19

20

21

22

23

24

25

A. My brother-in-law told me about it. He follows -- he follows financial matters. He's a former economist with one of the large banks. And so he, as a pastime -- because he's retired -- he follows the stock market. And in this particular instance, he knew that I had a

1

Tauber - Confidential

107

2

large sum in Sigma and -- and saw the
notice and called me and told me about it.

4

5

Q. Has he served as a class
representative before that you're aware of?

6

A. No.

7

8

Q. Okay. And you said he's your
brother-in-law.

9

How is he your brother-in-law?

10

A. He's married to my sister.

11

Q. Okay. And what's his name?

12

A. Michael Raffleson.

13

Q. How do you spell that?

14

A. R-A-F-F-L-E-S-O-N.

15

Q. Okay. And where does he reside?

16

17

A. It's -- it's -- it's in Long
Beach. I don't know the address.

18

19

Q. Okay. And he's still married to
your sister?

20

A. Yeah.

21

22

Q. And how is he aware that you had
invested in Sigma?

23

24

A. Because we used to talk about
investments in general.

25

Q. Did he ever provide you advice?

1 Tauber - Confidential 108
2 A. Not really.
3 Q. Okay. And did he understand that
4 you had lost a lot of money in Sigma at
5 that time?
6 A. At what time, sir?
7 Q. At the time that he told you
8 about this lawsuit.
9 A. Oh, I -- I believe so, yeah.
10 Q. At the time that you learned
11 about this lawsuit, were you still invested
12 in Sigma, or were you out of Sigma?
13 A. I might have had a few thousand
14 dollars in it. I don't think I did, but
15 it -- at most, it would have been probably
16 2 or \$3,000.
17 Q. Okay. And what -- what kinds of
18 trades did you engage in with -- with
19 Sigma?
20 You purchased and sold stock,
21 correct?
22 A. Yeah.
23 Q. Did you utilize options?
24 A. Yep.
25 Q. What kind of options?

1 Tauber - Confidential 109

2 A. What kind are there?

3 Q. I'm asking you.

4 What kind of options are you
5 aware of?

6 A. Well, I can -- I can tell you
7 that they were -- as I understood it, they
8 were options that Sigma stock would go up.
9 And they had a time -- they had a period of
10 time in which Sigma would have to reach a
11 certain level for this -- for the option to
12 -- to pay off.

13 Q. Well, how did the option work,
14 though?

15 A. I don't know if I could explain.

16 Q. What's a call option? You ever
17 hear of a call option?

18 A. You know, I did understand a good
19 deal at the time. It's something that I've
20 kind of put out of my mind.

21 Q. What is a put option?

22 A. I could not tell you. It's
23 something I haven't dealt with in some
24 time.

25 Q. Well, when you traded in options,

1

Tauber - Confidential

110

2

how did you understand those options worked
mechanically?

4

MR. BROWER: Asked and answered.

5

Go ahead.

6

7

Q. What would you -- what were you
buying and what were you selling?

8

9

10

11

12

13

14

A. I was basically buying a -- I was
buying a -- an agreement that -- that if
the stock was at a certain level at the end
of the -- the option period, then one would
receive the stock where you would have --
you would -- you would gain a profit on the
-- on the option.

15

Q. How did you learn about options?

16

17

18

19

20

21

A. Through reading and through

following, you know, various discussions.

They came to my attention; I followed them;

I saw how other people were doing on Gilder

and decided that it was something that I

wanted to know more about.

22

Q. Did you buy and sell options?

23

24

A. I -- my recollection is that I

bought options.

25

Q. And, so, if you bought an option,

1

Tauber - Confidential

111

2

what would happen thereafter to the option?
What were the -- what -- what were the
possible outcomes?

5

6

7

8

9

A. Well, if the stock reached the
level that you had -- that you had applied
for, then you would -- the return -- you
would -- you would have a return on that
option.

10

Q. And what if it didn't?

11

12

A. Then you would lose whatever
monies you put in that option.

13

Q. Could you sell an option?

14

A. I believe you could, yes, sir.

15

Q. Did you ever sell options?

16

A. I don't recall doing that.

17

18

Q. Did you lose money on these
options that you traded in regarding Sigma?

19

A. I did.

20

21

Q. Have you ever heard the term
"short sale"?

22

A. Yeah.

23

Q. What is a short sale?

24

25

A. I'm trying to remember. I had --
I had much more facility than I do right

1

Tauber - Confidential

112

2

now. As I -- as I recall, a short sale
is -- is where one has an expectation that
the stock will go down.

5

Q. And then what happens?

6

A. Quite frankly, I don't recall.

7

Q. Did you ever engage in short
sales?

9

A. I don't believe I did.

10

Q. And when you learned from
Mr. Raffleson about the existence of the
suit, what did you do?

11

A. I contacted the law firm that was
mentioned in the -- in the article.

12

Q. Which law firm was that?

13

A. I believe Mr. -- is it Pivens?
Law firm.

14

Q. And what did you do?

15

A. I spoke to Mr. Pivens.

16

Q. And what did he say to you, and
what did you say to him?

17

MR. BROWER: Nice try. I direct
him not to answer. Move on. I'm
directing him not to answer.

18

Attorney-client privilege.

1

Tauber - Confidential

113

2

MR. HYLAND: Well, I'm marking
not asking for any legal advice.

4

MR. BROWER: You're asking him
what his lawyer said to him and what he
said to his lawyer in contemplation of
retaining counsel? Nice try. Is that
what Mr. Druker does?

9

10

MR. HYLAND: No. He's not a
class representative.

11

MR. BROWER: No, he's not.

12

13

Q. And you thereafter retained
Mr. Piven's firm?

14

A. That's correct.

15

Q. Okay.

16

(A draft of a class action
complaint was marked as Tauber 7 for
identification.)

19

Q. Do you recognize Exhibit 7?

20

(Pause)

21

22

23

A. Not specifically, no. I remember
signing an agreement, but I couldn't -- I
couldn't swear that this is the agreement.

24

25

Q. Is it -- it's addressed to "Dear
shareholder," right? It doesn't --

1 Tauber - Confidential 114
2 A. Yeah, correct.
3 Q. It doesn't contain your name.
4 A. That's correct.
5 Q. At the bottom, it says, "Tauber
6 504."
7 Does that indicate that you
8 produced this document?
9 A. Personally?
10 Q. At the bottom, there's a --
11 A. I know. I know what you're
12 saying.
13 Q. Yes.
14 A. I just --
15 Q. Yes.
16 A. Is the question did I produce
17 this document?
18 Q. Yes.
19 A. And by "produce," you mean did
20 I -- did I draw it up?
21 Q. No.
22 MR. BROWER: No.
23 Q. Did you produce this document in
24 the litigation? Did this come from your
25 files, and did you produce it?

1 Tauber - Confidential 115
2 A. I have no files.
3 Q. Okay. So you don't know one way
4 or the other whether you produced this
5 document?
6 A. I assume that it -- that it's my
7 document, but I couldn't -- I couldn't
8 swear to it.
9 Q. All right.
10 MR. BROWER: For the record, we
11 produced the document. Is there
12 some --
13 MR. HYLAND: I understand that.
14 MR. BROWER: -- issue? Okay.
15 MR. HYLAND: Yeah. There's an
16 issue. You produced it, but I don't
17 know if Mr. Tauber produced it to you.
18 That's why I asked the question.
19 MR. BROWER: Okay.
20 MR. HYLAND: Exhibit 8.
21 (A document entitled Plaintiff's
22 Certification was marked as Tauber 8
23 for identification.)
24 Q. Do you recognize Exhibit 8, which
25 is entitled "Plaintiff's Certification"?

1

Tauber - Confidential

116

2

A. May I read it?

3

(Pause)

4

A. Yes, I believe this is a document
that I signed.

6

Q. And who prepared this document?

7

A. Are you referring to both sides
of this document?

9

Q. Let's stick with the first page,

which is plaintiff's certification.

10

11 It says, "Jeffrey Tauber declares
12 that," right?

13

14 A. That was created, or, rather, a
15 draft was provided to me and discussed, and
I signed it.

16

Q. Was a draft provided to you?

17

A. Yeah.

18

Q. And did you have any changes to
19 it?

20

A. I don't recall.

21

MR. BROWER: We're still on the
22 first page, right?

23

MR. HYLAND: Yes.

24

MR. BROWER: Okay.

25

Q. And that's your signature at the

1

Tauber - Confidential

117

2

bottom?

3

A. That's correct.

4

Q. That's dated March 2, 2012?

5

A. That's correct.

6

7

Q. Okay. Now, if you go back to Exhibit 7 for a moment.

8

A. Yes.

9

Q. In the second paragraph, the paragraph that starts with the word "Also," do you see that?

10

11

12

A. Yeah.

13

14

15

16

Q. If you could just read that to yourself. This asks you to provide information concerning your trading, correct, in Sigma?

17

A. That's correct.

18

19

20

21

Q. Okay. And about halfway down, it asks that you identify the trade date for each transaction during the class period, correct?

22

A. Correct.

23

24

Q. And the word "trade" is all in capital letters, correct?

25

A. Correct.

1 Tauber - Confidential 118

2 Q. And did you undertake and perform
3 that exercise to assemble all of your
4 trading information concerning Sigma --

5 A. I --

6 Q. -- during the class period?

7 A. When -- when that request was
8 made, I contacted Fidelity --

9 Q. Yes.

10 A. -- and asked them for that
11 information. They sent me a -- quite a
12 voluminous package. I'm trying to remember
13 now. It probably was at least two to three
14 inches thick. And I reviewed the
15 information, and I provided that
16 information to Mr. Pivens.

17 Q. When you say you provided that
18 information, you -- you sent the documents
19 that Fidelity sent to you on to Mr. Piven?

20 A. Well, I reviewed them first
21 because they wanted me to -- to note
22 whether or not --

23 MR. BROWER: Be careful not to
24 disclose conversations between you and
25 your counsel.

1

Tauber - Confidential

119

2

THE WITNESS: Okay.

3

A. I did review them, and I then --

4

I then provided them to my attorney.

5

Q. All right. If you turn it over
where it says "Attachment to
certification."

6

A. Yeah.

7

Q. And this document on the left
says, "Name: Jeffrey Tauber," and then it
has a number of columns, starting with
number of shares, and then followed by
purchased/sold, and then trade date, price
per share, number of shares.

8

A. Right.

9

Q. Purchase, sale, trade date,
right, and price per share?

10

A. Mm-hmm.

11

Q. Yes?

12

A. Yeah, I see it.

13

Q. And who populated this chart?

14

A. The chart was -- as I understood
it, reflected the information that was
delivered to me by Fidelity. And the chart
itself was not drawn up by me.

1 Tauber - Confidential 120

2 Q. Who drew it up? Who prepared the
3 chart?

4 A. Well, I prepared it with my
5 attorney, through discussions with my
6 attorney.

7 Q. And were those telephone
8 discussions or in-person discussions?

9 A. Those were telephone discussions.

10 Q. All right. And while you were
11 having those discussions, did you have a
12 copy of all of the pertinent Fidelity
13 information and your attorneys have a copy
14 of all of that information?

15 A. My recollection is that my
16 attorneys had that information, and I had
17 that information as well.

18 Q. All right. And did you go over
19 it line by line with your counsel?

20 A. That I cannot say. I -- I -- my
21 recollection is -- is that I relied on the
22 information and on the consultations to
23 come up with the -- with the numbers.

24 Q. When you discussed this chart
25 with counsel, was it already completed and

1

Tauber - Confidential

121

2

then you discussed it, or was it blank and
you were discussing with your counsel how
it should be completed?

5

6

7

8

A. My recollection is that there
were discussions about specific dates and
numbers, and -- and I provided information
or -- or attempted to provide information.

9

10

11

12

Q. All right. But the information
that you attempted to provide already had
been provided to your counsel at the time,
correct --

13

A. Yeah.

14

15

Q. -- in the form of the documents
sent to you by Fidelity, right?

16

A. Mm-hmm.

17

18

Q. Okay. And who -- who physically
prepared the chart?

19

A. I did not.

20

Q. Do you know who did?

21

22

A. It ultimately was provided to me
for review by my attorneys.

23

24

25

Q. Are you aware of which of your
attorneys or their employees prepared the
chart?

1 Tauber - Confidential 122
2 A. I do not have that information.
3 Q. And who did you discuss the chart
4 with?
5 A. I believe that I spoke to
6 Mr. Pivens about the chart.
7 Q. Anyone else?
8 A. Not at that time. I -- it
9 depends what we're -- when we're talking.
10 This is -- this would be March 2, 2012.
11 And -- so I may have also discussed this
12 with Mr. Kerr. I'm not sure that that
13 occurred.
14 Q. Okay. Is the chart accurate?
15 A. I cannot -- I cannot certify that
16 Fidelity is correct in all matters. These
17 are numbers that were provided to me, and I
18 relied on the accuracy of Fidelity's
19 accounting and -- and their presentation of
20 -- of information.
21 Q. To your knowledge, is any of the
22 information on the chart on Exhibit A
23 inaccurate?
24 A. Well, the only thing I -- I -- I
25 understand may be inaccurate is the trade

1

Tauber - Confidential

123

2

3

4

5

6

7

dates. As I understand it, there was some confusion, certainly on my part. As you no doubt noted, I am not an experienced trader. And I wasn't even certain what the significance of a trade date is opposed to a settlement date.

8

9

10

11

Q. Okay. But you had -- as of this time in March of 2012, you had been personally trading in securities for about eight years, correct?

12

13

14

15

16

17

18

19

20

21

22

23

24

25

A. No, no. I probably started in 2005 trading individual stocks, maybe 2000 -- late -- I don't know when in 2005. And this was 2012. So it would have been something like six, perhaps seven years.

Q. All right. And during that time, you had engaged in perhaps thousands of transactions, correct?

MR. BROWER: Objection.

A.

I couldn't tell you whether there were a thousand transactions.

Q.

Well, in Sigma alone, you had hundreds of transactions, correct?

A.

Probably.

1

Tauber - Confidential

124

2

Q. All right. And that each time
you entered --

4

5

6

7

8

9

10

A. You know, if I may answer that question slightly differently. I noted, when I was looking at the -- at the complaint, that when I would make a purchase of stock, and a large purchase -- could be 5, 10,000 shares -- that would be broken down sometimes into 20 sales.

11

Q. Okay.

12

13

14

15

16

17

18

19

20

A. So if we're talking about hundreds of sales, I don't know that there were hundreds of sales. I know that -- that there were certainly dozens, if not -- and -- and I wouldn't -- I would guess at least close to 100 maybe -- and maybe substantially more. But a lot of those sales were -- were multiple parts of a single sale.

21

Q. All right.

22

A. Okay?

23

24

25

Q. And -- and when you say "multiple parts," am I correct that you might decide, for example -- take a hypothetical -- to

1 Tauber - Confidential 125
2 sell -- to purchase a thousand shares --
3 A. Right.
4 Q. -- but you decide to do it in
5 increments?
6 A. No.
7 Q. No?
8 A. No. Sigma is not a large enough
9 company necessarily to -- for -- for
10 Fidelity to -- to -- as I understand it,
11 which is very limited -- to -- to sell
12 5,000 shares just like that.
13 Q. Right.
14 A. So they will break it down into
15 sometimes 15, 20 --
16 Q. Okay.
17 A. -- 30 separate sales. And -- but
18 I've only made one purchase.
19 Q. And -- and when Fidelity did
20 that, in implementing your instructions,
21 you would get confirmations from Fidelity.
22 A. Yeah.
23 Q. Correct?
24 A. Yeah.
25 Q. And those -- and you received

1 Tauber - Confidential 126
2 hundreds of those, correct?
3 A. Yeah, yeah.
4 Q. And those confirmations identify
5 trade date, correct?
6 A. I don't recall.
7 Q. All right.
8 MR. BROWER: Is it time for
9 another break?
10 MR. HYLAND: Sure. Yeah. We
11 could do that.
12 THE VIDEOGRAPHER: Stand by,
13 please. The time is 12:30. We are now
14 off the record. This is the end of
15 Tape No. 2.
16 (Luncheon recess: 12:30 p.m.)
17
18
19
20
21
22
23
24
25

1

Tauber - Confidential

127

2

AFTERNOON SESSION

3

1:40 p.m.

4

THE VIDEOGRAPHER: Stand by,

5

please.

6

The time is 1:40 p.m. This is

7

the beginning of Tape No. 3. We are

8

back on the record.

9

EXAMINATION CONTINUED

10

BY MR. HYLAND:

11

Q. Good afternoon, Mr. Tauber.

12

A. Good afternoon.

13

Q. I'm going to show you the next exhibit, which will be Exhibit 9.

14

(Trading records were marked as Tauber 9 for identification.)

15

Q. I'm going to ask you if you can identify Exhibit 9 as trading records reflecting your trades in Sigma.

16

A. That's what it appears to be, yes, sir.

17

Q. Okay. And were these -- and these records were sent to you by Fidelity?

18

A. I received envelopes regularly from Fidelity, and I assume that they're

19

20

21

22

23

24

25

1

Tauber - Confidential

128

2

all -- they -- they were all received, yes,
sir.

4

5

6

7

Q. Okay. And were these records shown in Exhibit 9 -- were they used to assist in the compilation of the trading chart that appears as part of Exhibit 8?

8

9

10

A. I don't believe it was -- I'm not certain. But I don't believe it was -- it was these documents.

11

Q. Okay. All right.

12

13

14

15

16

But when Exhibit 8 was prepared, though, you did testify that there were trading records that had been provided by Fidelity that led you or your attorneys to be able to complete the schedule.

17

18

19

20

21

22

23

A. Yes. Let me just say this. They no longer had the records online is my recollection. And, so, they -- they sent me records that were -- that were different than -- my recollection is that they were set up in a -- in a different fashion than this.

24

25

Q. Okay. All right, fine.

And just taking a look at the

1 Tauber - Confidential 129
2 first page up top, it identifies brokerage
3 account and number, which is blacked out.
4 And then it says your name, Jeffrey Tauber.
5 A. Right.
6 Q. This represents, then, your
7 individual account at Fidelity?
8 A. I believe so.
9 Q. All right. And did anybody else
10 have an interest at any time in that
11 account?
12 A. No.
13 Q. All right. And then if you go,
14 just, for example, to page 548.
15 A. 548.
16 MR. BROWER: Using the bottom
17 number.
18 THE WITNESS: Okay.
19 A. Yes, sir.
20 Q. Up top it, says, "Brokerage
21 account number," and it says, "IRA
22 rollover, Jeffrey Tauber."
23 A. Right.
24 Q. You see that, right?
25 A. Yes.

1

Tauber - Confidential

130

2

Q. And that's a separate account
from your individual account, right?

4

A. That's correct.

5

Q. Okay. And did anyone else ever
have any ownership or beneficial interest
in that account?

8

A. No, sir.

9

10

Q. Okay. And it says "IRA
rollover."

11

12

What was it a rollover from? Do
you remember?

13

14

15

16

17

18

19

20

A. The only thing I can think of is
that I -- I had a -- I had a retirement
plan with the organization that I headed,
National Association of Drug Court
Professionals, and I no doubt had a pension
or an IRA, and that might be the case that
it might be from that -- from that -- from
that purpose.

21

22

Q. Is that your best recollection
that that was rolled into this IRA?

23

24

25

A. I wouldn't want to say that. I
would want to say that -- that that's what
I can think it likely to be.

1

Tauber - Confidential

131

2

Q. And do you know when the IRA
rollover account was formed?

4

A. All three accounts were formed at
the same time.

6

Q. All right.

7

A. Same day.

8

Q. So your IRA rollover, am I
correct, came -- came directly from some
other employer-sponsored plan directly into
the Fidelity?

12

A. I had -- I had -- I had a -- I
had a -- an account with Edwards and
Company.

15

Q. AG Edwards?

16

A. AG Edwards. And it was -- and I
believe I had both the IRA and the -- and
the 401k. I believe they were both with
them. And it was a very -- I knew -- I
knew the people, and -- and they handled
for several years prior to Fidelity. So, I
mean, I did have -- I did have a
representative who was handling my -- my
monies rather than myself prior to that
date.

1

Tauber - Confidential

132

2

Q. Prior to transferring the money
into Fidelity?

4

A. Exactly.

5

Q. So at Edwards, you had a
professional that was assisting you?

7

A. Yeah.

8

Q. Did that professional make any
investment decisions for you?

10

A. Yeah.

11

Q. So that was what you would
call -- do you understand that that was a
discretionary account?

14

A. I believe so. Yeah.

15

Q. So you decided -- so Edwards was
trading -- so a representative from Edwards
was trading your money, both your
retirement accounts and your personal
account?

20

A. I'm not sure about the personal

21 account.

22

Q. Okay.

23

A. I may have had -- just had that
in the bank. I -- I really don't recall.

25

Q. Okay.

1

Tauber - Confidential

133

2

A. Yeah.

3

Q. And, so, AG Edwards would make
the trading decisions for you.

5

A. Prior to Fidelity, yeah.

6

Q. Right. And, so, they wouldn't
even check with you; they would just make
the trades, and then you would see what was
happening?

10

11

A. Well, I mean, I consulted with
them on a regular basis.

12

13

Q. Right. But they had the
authority to actually make a decision to
buy or sell a security?

15

A. Yeah.

16

Q. Yes?

17

A. Yeah.

18

19

Q. Okay. And then you changed that
relationship and moved the accounts over to
Fidelity?

21

A. Yep.

22

23

Q. Where only you would be the one
making the trading decisions, correct?

24

A. Correct, sir.

25

Q. Why did you do it that way?

1

Tauber - Confidential

134

2

3

4

5

6

7

8

A. Well, I thought that I was a capable person. I thought that I wanted more personal accountability for the decisions that were being made. And I thought that I could, once again, competently represent myself in that regard.

9

10

11

Q. You thought you could get better results doing it yourself than doing it with AG Edwards.

12

A. It's another way of saying it.

13

14

15

16

17

Q. Okay. And then I'll just get you to identify the third account, if you -- if you just move over to page 552. I'm just directing your attention to the title of the account.

18

A. Yeah.

19

MR. BROWER: Are you sure -- oh,

20

552. I'm sorry.

21

MR. HYLAND: Yeah.

22

A. Okay.

23

24

Q. And up there, it says, "IRA simplified employee pension plan," right?

25

A. Right.

1 Tauber - Confidential 135

2 Q. So that's the third account?

3 A. That's the third account.

4 Q. And what did this account derive
5 from?

6 A. Well, that's a good question. I
7 -- quite frankly, I'm not sure if this
8 related to National Association of Drug
9 Court Professionals or to a prior -- I -- I
10 previously had a -- an IRA, or maybe it was
11 a 401k, and -- and I had it for many, many
12 years. And I think that that would have
13 been -- just trying to -- I'm only trying
14 to make some sense of this because it's
15 something that I haven't really thought of
16 in a long time.

17 I think the 401k is something I
18 probably had for 20 or 30 years, and it was
19 just something that would build and build.
20 It -- it was with a -- a major company such
21 as fiduciary -- Fidelity, but it wasn't
22 Fidelity. And -- and I think the other
23 one, I think -- I think the IRA pension
24 probably was from NAD -- NADCP, National
25 Association of Drug Court Professionals.

1

Tauber - Confidential

136

2

Q. Okay. The 401k, though, was that an employer-sponsored plan, and if so, who was the employer?

5

6

7

8

9

A. It probably was before I became the judge. So I had a number of employers. I was a public defender. I was a private attorney. So there were a number of opportunities to put money in.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Q. All right. When you were a private attorney, it was your firm, right?

A. Yeah.

Q. And do you remember having a 401k plan?

A. Yeah.

Q. Okay. All right.

And apart from the -- the two IRAs identified in these documents, that is, your rollover IRA -- that's what it's called -- and the simplified employee pension plan IRA, did you ever have any other IRAs?

A. No.

Q. Okay.

MR. BROWER: Other than what he's

1

Tauber - Confidential

137

2

already testified to.

3

MR. HYLAND: Well --

4

MR. BROWER: He already testified

5

he had an IRA years before that was

6

with a mutual fund company like

7

Fidelity, but not Fidelity. He

8

testified he had this 401k plan from

9

some prior employer. Your question had

10

the word "ever" in it --

11

MR. HYLAND: Yeah.

12

MR. BROWER: -- other than these

13

two, and that would be misleading

14

because he's already testified that's

15

not correct.

16

MR. HYLAND: Well, I'm not sure.

17

Okay. We'll straighten that out.

18

A. Okay.

19

Q. So you've got the simplified
employee pension plan IRA, right?

21

A. Right.

22

Q. Am I correct that you think that
that is a rollover of sorts from a prior
401k?

25

A. I understood -- I understood that

1 Tauber - Confidential 138
2 one was an IRA, and one was a 401k.
3 Q. Okay.
4 MR. HYLAND: Mr. Brower --
5 A. And -- And maybe --
6 MR. HYLAND: Mr. Brower --
7 A. -- other language --
8 MR. HYLAND: -- you're been
9 giving some certain body signals
10 to him, I think.
11 MR. BROWER: That's bullshit.
12 MR. HYLAND: Perhaps -- perhaps
13 inadvertent --
14 MR. BROWER: That's not true.
15 MR. HYLAND: Perhaps
16 inadvertently.
17 MR. BROWER: That's not true.
18 MR. HYLAND: Perhaps
19 inadvertently. No --
20 MR. BROWER: And you're smirking
21 half the day.
22 MR. HYLAND: No, I'm not.
23 MR. BROWER: So I'm happy to have
24 him get two more cameras.
25 MR. HYLAND: Okay.

1

Tauber - Confidential

139

2

MR. BROWER: And we could do a

3

three-way.

4

MR. HYLAND: We might -- we may
do that, okay?

5

MR. BROWER: Okay. Then why
don't we do that.

6

MR. HYLAND: We may do that, but
not right now. But -- but, you have
and I've got --

7

MR. BROWER: It's not true, and
I'm not going to listen to it.

8

MR. HYLAND: Okay. All right.

9

Fine. I'm just stating it for the
record.

10

MR. BROWER: And half the day
I've been spending looking in the other
direction away from the witness.

11

MR. HYLAND: Okay.

12

MR. BROWER: So why don't you put
that on the record.

13

MR. HYLAND: You've been
shrugging and nodding your head up and
-- nodding your head and shaking your
head and shrugging your shoulders.

1

Tauber - Confidential

140

2

MR. BROWER: That's just my
reaction to --

4

MR. HYLAND: After --

5

MR. BROWER: -- your question,
not the answer.

7

MR. HYLAND: After there's a
question and before an answer, okay?

9

All right.

10

11

A. Can I just add this much? I've
been staring at you virtually --

12

Q. Okay.

13

A. -- the entire time.

14

Q. Thank you.

15

16

Okay. Other than the IRA
simplified employee pension plan --

17

A. Right.

18

Q. -- and the rollover IRA --

19

A. Right.

20

21

22

Q. -- okay, are you aware of any
other retirement plans or IRAs separate and
apart from those two?

23

24

A. Not at the time that I started
my -- my plan with Fidelity.

25

Q. Okay.

1

Tauber - Confidential

141

2

A. And quite frankly, I don't -- I
don't know of any that I can think of. I
mean, it's conceivable that I had other
plans earlier in my career, but it's just
not --

7

Q. That's fine.

8

A. -- not coming to mind.

9

Q. Thank you.

10

11

12

13

14

All right. And if you go back to
Exhibit 8, I'm looking at the chart here
that shows a summary of your purchases and
sales of Sigma during the class periods,
correct?

15

A. No. 8?

16

Q. Certain of them, yes.

17

MR. BROWER: Stay in front of it.

18

A. All right.

19

Q. The chart on the back.

20

21

22

23

24

25

Now, when you list these
securities, am I correct -- and identify
these transactions -- am I correct that all
of these transactions consist of
transactions in your individual account,
your rollover IRA account, and your

1

Tauber - Confidential

142

2

simplified employee pension plan account?

3

A. I couldn't tell you that at this time.

5

Q. All right. Well, what -- what did you intend to capture when you were summarizing your trading?

8

A. My understanding was that there was -- there was data that was relevant to the lawsuit, and I was made privy to that data and reviewed it with counsel. And it appeared to me to be -- to be accurate, and I so certified.

14

Q. Okay. And just going back to Exhibit 9, okay? I see that -- that which is your trading records.

17

A. Okay.

18

Q. I see they start in January 2006.

19

A. Okay.

20

Q. Okay? But I'm going to direct you forward in the document on -- to July of 2007.

23

A. Okay.

24

Q. And in particular, if we can go to -- start on page 609.

25

1 Tauber - Confidential 143
2 A. Okay.
3 Q. And if you flip through the
4 subsequent pages --
5 MR. BROWER: I'm sorry,
6 Mr. Hyland, what's the page again?
7 THE WITNESS: 609.
8 MR. HYLAND: 609, Tauber 609.
9 MR. BROWER: Thank you.
10 Q. And if you -- if you -- if you
11 flip through from 609, and we -- if we go
12 to 610 --
13 A. Okay.
14 Q. -- just for example, we see a
15 purchase of, it appears, Sigma call --
16 calls.
17 Do you see that?
18 A. Mm-hmm.
19 Q. Yes?
20 A. Yeah.
21 Q. And that's in your simplified
22 employee pension plan?
23 A. Okay.
24 Q. And if you go, like, to the -- to
25 the next page --

1 Tauber - Confidential 144
2 A. Okay.
3 Q. -- do you see there there's a --
4 which is 611?
5 A. Right.
6 Q. There -- that reflects purchases
7 in your individual account?
8 A. Okay.
9 Q. Okay. And was it your intention
10 to make part of this lawsuit your purchases
11 in all three accounts?
12 A. Yeah.
13 Q. Yes, right?
14 Okay. And in your chart, though,
15 you didn't designate which account,
16 purchased or sold, which Sigma security --
17 Sigma security, correct?
18 A. I'm going to go back to it. Does
19 not appear to be so designated.
20 Q. Okay. Now, the first trade
21 that's identified on your trading -- on
22 your chart --
23 A. You're talking about page --
24 MR. BROWER: Back -- to the back
25 of 8.

1 Tauber - Confidential 145
2 Q. To the back of 8.
3 A. Back of page 8?
4 Q. No, Exhibit 8.
5 A. Exhibit 8, okay.
6 Q. Yeah, the chart there.
7 A. Thank you.
8 Q. For example, that shows an
9 initial purchase of -- of -- during the
10 class period of 9,000 shares of Sigma,
11 correct?
12 A. That's correct.
13 Q. All right. And is it your
14 understanding that the trade date that's
15 listed there, that's not correct?
16 A. That's my understanding at this
17 time.
18 Q. Okay. And that it's your
19 understanding at this time that the dates
20 identified under the columns trade dates
21 are not accurate?
22 A. That's -- that's the information
23 I've been given, yeah.
24 Q. Okay. Did you ever engage in any
25 trading after hours?

1 Tauber - Confidential 146

2 A. You know, I think I did from time
3 to time, but it wasn't something I did
4 regularly.

5 Q. And is it something that you did
6 back in the summer of 2007?

7 A. I couldn't tell you.

8 Q. Okay. All right.

9 So your initial purchase of 9,000
10 shares --

11 A. Okay.

12 Q. -- there --

13 MR. BROWER: Listed on Exhibit 8.

14 MR. HYLAND: I'm sorry?

15 MR. BROWER: Listed on Exhibit 8.

16 MR. HYLAND: On Exhibit 8, yes.

17 MR. BROWER: I think he answered
18 before. You said "there."

19 MR. HYLAND: Yeah, yeah.

20 Q. -- that was a purchase. And then
21 on July 30th, we see a -- a large sale,
22 right? We see a sale of about 9,000 -- the
23 same 9,000 shares, correct?

24 A. I see 9,000 and 8,000.

25 Q. Right. But if you take a look

1

Tauber - Confidential

147

2

over on the right --

3

A. Oh, I see it. Then there's --

4

there were smaller sales within that one.

5

Yeah. Yeah. So it was the same 9,000,

6

yeah.

7

Q. And so you purchased 9,000

8

shares. And it says 719, but that might be

9

the settlement date, right, instead of the

10

trade date?

11

A. That is probably the settlement

12

date, yes, sir.

13

Q. Okay. And then you -- then you

14

sold 9,000 shares about ten days later or

15

so, right?

16

A. Ten days later or so, yeah,

17

absolutely.

18

Q. Why did you do that?

19

A. I can tell you what -- what I was

20

doing at the time. At the time, I was -- I

21

was beginning to learn more about Sigma

22

from -- from all the -- the sources that

23

I've described. I had reason to believe

24

that it -- I knew that it had climbed quite

25

extraordinarily from approximately \$8 a

1

Tauber - Confidential

148

2

share, when I think I first was introduced to it, and I was buying larger shares -- numbers of shares of Sigma. And occasionally, I would also sell large numbers of shares of Sigma. I'm not sure if it was, in fact, the best strategy, but it was a strategy that I was employing.

9

Q. So was it your intention to be more or less a short-term trader during this period?

12

A. No. I never thought of myself as a short-term trader.

14

Q. All right. Because I'm just trying to get at your -- your -- if you could possibly articulate for me the reason you would buy 9,000 shares of Sigma, and then 11 days later, sell 9,000 shares.

19

A. Right, and -- and at a lesser price. So the answer to that is I cannot place these sales in any context except to suggest that I was doing my best to manage my account, and that was part of that process.

25

Q. Were you relying on any

1

Tauber - Confidential

149

2

investor -- any -- any type of analyst
reports at this time?

4

5

A. You know, I -- I would do the
things that I understood were appropriate.
I would listen in to the conference calls,
I would read everything that was written, I
would go to -- Fidelity had various
companies that were analyzed in-house, and
some of them out of house. And I would
review all the information I had and -- and
make decisions based on that.

10

11

12

13

14

Q. All right. And I see -- if you
take a look on August 16th --

15

A. Yeah.

16

17

18

19

20

21

22

23

24

25

Q. -- it appears that, in the same
day, you purchased 18,000 shares and sold
18,000 shares?

A. Apparently, I lost. I -- I
really don't have any -- any explanation
except that it wasn't a very good day. I
think -- I think it's also appropriate to
say that these are -- these are -- these
sales are, you know, two, three weeks
apart.

1 Tauber - Confidential 150

2 Q. No. I'm talking about the -- on
3 August 16th.

4 A. I understand. I understand.

5 Q. You bought 18,000 shares and sold
6 18,000 shares in the same day.

7 A. Yeah, yeah.

8 Q. And that would have meant that
9 when you bought the shares, you were laying
10 out, you know, approximately close to
11 \$600,000, correct?

12 A. Mm-hmm. Mm-hmm.

13 Q. Yes?

14 A. I -- I'll -- I'll accept your
15 math.

16 Q. What percentage of your overall
17 Fidelity account did that --

18 A. -- reflect?

19 Q. -- reflect?

20 A. I don't know. I know that --
21 that I had great expectations for -- for --
22 for Sigma, and that I was investing large
23 amounts in Sigma. And I had the impression
24 that I was making the right choice or the
25 right decisions.

1

Tauber - Confidential

151

2

3

4

5

Q. But as you sit here today, can you have -- do you have any explanation why you would spend almost \$600,000 on Sigma stock and then sell it the same day?

6

7

8

A. At a -- at a lesser price?

Without -- without being able to go back in time, I can't answer that.

9

10

Q. Did you have any sort of a file on your Sigma transactions?

11

A. I did, yeah, of course.

12

13

Q. Did you have any research that was in there?

14

A. I did.

15

16

Q. And did you produce that in this case?

17

18

A. That's been gone for five years or more.

19

20

21

Q. Okay. Had you ever purchased stock for anything around this amount of money and sold it in the same day before?

22

A. Not that I can think of.

23

24

25

Q. And, I mean, during this time -- I'm talking about while these trades were being made -- I'm talking about July/August

1

Tauber - Confidential

152

2

3

4

2007 -- were you taking any medication at all that could have affected -- could have affected your judgment?

5

A. No, no.

6

7

8

9

Q. Okay. And am I correct that you never added up your purchases and sales for the three class periods to see whether you made or lost money on Sigma?

10

A. Oh, at the time, I'm sure I did.

11

12

Q. But in connection with this suit, you haven't done that?

13

14

15

16

17

18

19

20

21

22

23

24

25

A. If I did it, I did it at the very beginning. I don't -- I don't recall what I determined. I mean, it was clear to me that I was -- I was, at the time, making money in the sense that -- I mean, I didn't see any of the money. I never saw any of the money. But the stock had risen substantially since my initial purchases.

Q. And would you be surprised to learn that you -- that you made money during the class periods by trading Sigma?

A. No, I wouldn't be surprised.

Q. Okay. With respect to the first

1 Tauber - Confidential 153

2 class period, which, I think, is July 13th
3 to sometime in August --

4 A. Okay.

5 Q. -- how do you claim you were
6 damaged, if at all?

7 A. I feel that if I had accurate
8 information that was available to everyone,
9 that I would have made better decisions.
10 If I knew that the price was being affected
11 in some way by insider trading, I would
12 have not put the money that I did into the
13 stock. I feel like -- I feel like I was
14 literally abused. I feel like this class
15 has been abused by your client.

16 Q. How?

17 A. They have -- as I understand
18 it -- I haven't talked to anybody who's --
19 who's a participant. But there was a
20 scheme to provide information to an
21 outsider, who then bought stocks that drove
22 the price up and then drove it down. And I
23 felt that this was a legitimate market in
24 this particular stock.

25 And as it turns out, to some

1

Tauber - Confidential

154

2

extent, it was being driven or manipulated by persons who presented me with a inappropriate, inaccurate, and un-factual description of the stock. And I think that that is not only wrong, but I think that it created an impression that was -- was probably not warranted for -- for that whole class of -- of purchasers.

10

11

Q. Who gave you an inaccurate description of the -- of the stock?

12

13

14

15

16

17

18

19

20

21

22

23

24

25

A. I'm describing what I noted when I looked at the stock and -- and its movements. And as I understand it, there was an enormous amount of money -- millions, tens of millions of dollars, if I'm not mistaken -- that were pumped into the stock and then pulled out of the stock that, in fact, changed -- excuse me -- that, in fact, changed the perception of that stock by the honest -- by the small stockholder.

And perhaps I wasn't a small stockholder, but I certainly was a diligent one, and I think I -- I did my best to

1

Tauber - Confidential

155

2

understand what the facts were. And I
wasn't -- I didn't have real facts. I had
facts that were, at least, to some extent,
manipulated unfairly and illegally.

6

Q. Who manipulated the facts?

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

A. As I understand it, there was an
insider who provided information to Sonar,
the Sonar company. And there was a
gentleman by the name of Freeman who
received that information and made it
available to a Mr. Druker. And the two of
them distributed that money among a series
and a number of investment firms. And in
so doing, tens of millions of dollars were
siphoned off ultimately from this stock.

Q. So is it your contention that
Sonar is buying the stock, somehow
improperly pushed the stock higher? Is
that what you testified to?

A. I don't know that it pushed it
higher, but it presented an inaccurate,
unfair picture to the stockholders.

Q. But how -- how did that hurt --
how did that hurt you, Mr. Tauber?

1 Tauber - Confidential 156
2 A. Okay. Well, let me tell you how.
3 Q. During the selling period, right?
4 How did that hurt you?
5 A. During the selling period or
6 during the buying period?
7 Q. Selling period.
8 How were you hurt?
9 A. All right. During the selling
10 period, the -- the Sonar company was
11 supporting the price, and perhaps even
12 pushing it up, creating an inappropriate
13 and an unfair and an illegal impression of
14 the strength of the stock. And persons
15 like myself, who believed that this was an
16 important stock, that this was a stock with
17 great opportunity, and -- and -- and the
18 ability to move up very substantially, was
19 a part of creating that impression. In a
20 sense, it created a -- a feeling or an
21 understanding of great enthusiasm.
22 Watching the stock go from -- I
23 don't know -- from -- when I got into it,
24 perhaps it was at 15 to 20. But to go up
25 to -- to \$70 a share, and to know that

1

Tauber - Confidential

157

2

3

4

5

6

7

8

9

10

11

12

13

14

someone has that information prior to me, and then once it reaches that height, pulling out, pulling their money out while I still am under the impression that the stock is strong while they know it isn't, is -- is irreparable harm. It's harmed my life, it's harmed my family, it's harmed me in the most extraordinary and substantial ways. And that's all I've got to say.

15

16

17

18

19

20

21

22

23

24

25

Q. Well, if you take a look at the period on your chart here from the first date, September 19th, and if you go up to August 16th.

A. September --

MR. BROWER: You mean July 19th?

Q. July 19th.

A. July 19th.

Q. I'm looking at your trades.

A. Yeah.

Q. Through August 16th, right?

A. Right.

Q. Those are your transactions --

A. Yeah.

Q. -- during a seller class period,

1

Tauber - Confidential

158

2

right?

3

A. Right.

4

5

Q. Okay. And if -- if -- so you are representing people who sold during that period, correct?

6

A. Okay.

7

Q. Are you? Is that true?

8

A. I believe so.

9

10

11

12

13

14

Q. Okay. And if Sonar was buying, and it was pushing the price of the stock up, that would mean that you would be selling at a higher price than you otherwise would, right?

15

A. That's only part of the picture.

16

Yeah. You're right.

17

Q. Right? Correct?

18

A. Yeah.

19

Q. Okay. Okay.

20

21

22

So let's just assume that Sonar didn't trade during its first selling period; it neither bought nor sold, right?

23

A. Mm-hmm.

24

25

Q. Is it your testimony that,

without Sonar buying during the first class

1

Tauber - Confidential

159

2

period, the price actually would have been
lower during that timeframe?

4

5

6

7

8

A. And would more accurately reflect
the strength of the stock as opposed to the
information that's been obtained by an
organization illegally and distorting the
strength of the stock.

9

10

11

12

13

14

So I would agree with you that,
as a purchaser or as a seller, there's --
there's more money to be made, but in terms
of -- of understanding and evaluating the
stock, there's a great deal that is lost to
the honest stock --

15

16

17

Q. Well, during that first class
period, just looking at you, how -- how was
anything lost?

18

19

20

If you look at your transactions
from July 19th to August 16th, we see an
increase in price there, don't we?

21

22

23

A. We do see -- see -- in fact, it
goes all the way -- if I'm not mistaken,
all the way to \$70.

24

25

Q. I'm talking about the first class
period.

1

Tauber - Confidential

160

2

A. All right. We're talking about
the first class period.

4

Q. Right.

5

6

7

8

9

10

11

12

13

14

A. And -- and what I'm telling you is that on a strictly technical basis, and if we -- if you were to work out the math and tell me that I made money during that period, I wouldn't disagree with you. But I would also tell you that the manipulation, the illegal manipulation of the stock by your client, had a deleterious and a serious negative impact on the market and on the stock buyers --

15

Q. How did Sonar's --

16

A. -- and sellers.

17

18

19

Q. How did Sonar's trading during the first class period have a deleterious impact on the stock?

20

21

22

23

24

25

A. Well, if one were to assume that the stock market is a fair, an unbiased, and a -- a just mechanism, then -- then one acts with that in mind, as I did. But if instead, the prices are being driven up, then there's great -- there's a great loss

1

Tauber - Confidential

161

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

in terms of not only the -- the -- the reputation, I think, of the stock and the stock market, but in terms of the perceptions of the people that are -- that are selling the stock. So I -- I -- I grant you -- if you tell me that -- that I made -- that I made money in that first period, that may be true. But clearly, the sellers are -- are victims even if they did make money during that period.

Q. And tell me how they are victims.

How would you -- you have been any different during the first class period if Sonar had neither purchased nor sold stock?

A. Well, for one thing, I would be operating what I would assume would be in a -- in an honest and fair auction of shares of stock, as I understand the stock market is supposed to be. But that wasn't the case. And I think that's -- that's a very substantial loss to the -- to the community. It certainly was a huge loss to me.

1

Tauber - Confidential

162

2

3

4

Q. It was not a monetary loss in any respect, was it, during the first class period?

5

6

7

8

9

10

11

A. If you tell me that I -- that I made money in the first class period, I'm not going to disagree with you, because I haven't added up those numbers. But what I've told you is that it has an enormous impact on both the system and the individual sellers.

12

13

14

15

Q. Is it your contention that you would be economically in a different position if Sonar had neither purchased nor sold during the first class period?

16

17

18

19

20

21

22

23

24

25

A. Could very well be. I mean, I -- I could not -- I cannot, you know -- and I could not at the time certainly tell the future. But I could see that my enthusiasm for the stock would certainly have been different than it was if that manipulation had not occurred. I don't know. There's no way for me to know.

Q. Now, are you alleging manipulation in this case?

1

Tauber - Confidential

163

2

A. Yes.

3

Q. Okay. And please describe
exactly how manipulation occurred.

5

A. Once again, I -- I haven't spoken
to your client. I don't know any of the
parties that are involved. I just know
what has been presented to me in the form
of a complaint, in the form of a
memorandum, and in discussions with my
attorneys. And as I understand it,
information was being presented illegally
to your client, and your client was using
it to benefit themselves at the expense of
legitimate buyers and sellers and
distorting the market in a way that was
deleterious to everyone.

18

19

Q. And that's your manipulation
claim?

20

21

A. They made \$30 million. To me,
that's manipulation.

22

23

Q. Who told you that they made
\$30 million?

24

A. That's in the complaint.

25

Q. Right. Did you check the

1

Tauber - Confidential

164

2

accuracy of that number?

3

A. That is the number that I have

4

heard from a number of -- in a number of

5

documents. I have no reason to disbelieve

6

it. If it's off, then perhaps it's less

7

than that. Perhaps it's more than that.

8

That's the round figure that I've been

9

given.

10

Q. When you make that allegation in

11

a complaint, do you, as a class

12

representative, believe you have an

13

obligation to verify the truth of that

14

statement?

15

A. I believe that I have the

16

responsibility with my attorney to review

17

the information that we have and to make

18

the very best factual allegation that we

19

can based upon the information that we

20

have.

21

Q. What records did you look at to

22

lead you to conclude that Sonar made

23

\$30 million in trading Sigma?

24

A. My information is that I believe

25

on the selling end, if I'm not mistaken,

1

Tauber - Confidential

165

2

there was some \$20 million, and on the
buying end, there was \$10 million. That is
in the complaint. That is in, as I
understand it, documents that have been
produced in discussions with Mr. Freeman,
who, I believe -- is it Furman or Freeman?
I can't remember -- who has reached an
agreement, as I understand it, to provide
accurate information. And based upon the
information that he provided as well as
other parties, that was the number that I
discussed with my attorneys, and that is
the number that I present to you after
those discussions.

16

Q. Are you aware that Sonar has
produced its trading records in respect of
trading in Sigma during the class periods?

19

20

A. I'm sorry. I couldn't
understand.

21

22

23

Q. Are you aware that Sonar has
produced its trading records for Sigma
purchases and sales?

24

25

A. I believe --

MR. BROWER: Object to the form.

1

Tauber - Confidential

166

2

Go ahead.

3

THE WITNESS: I'm sorry? Go
ahead?

5

MR. BROWER: Go ahead.

6

A. I believe that -- that after some
very serious foot-dragging, that did occur,
yes, sir.

9

Q. All right. And are you aware of
whether any steps were taken to verify the
allegation that Sonar made \$30 million in
profits on Sigma during the class period?

13

A. I am not -- I wish -- I wish I
could be more of an expert, but I'm not. I
have been given information that I -- I
rely on by my attorneys, that I have been
informed have been provided by a
participant of the manipulation and the
insider trading. And that is -- as I
understand it, is the most accurate number
that they have been able to -- to come up
with. As I understand it, it's taken over
a year or a year and a half just to get
that information from Sonar, and perhaps
longer to get the names of the persons and

1

Tauber - Confidential

167

2

organizations and institutions that were
paid off with that -- with those monies,
however much they were.

5

Q. Actually, you just fairly
recently just produced your trading
records; isn't that right?

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

A. The confusion that we had, and
certainly I had, were recently produced and
should have been -- if I had been a little
bit -- a little bit sharper and a little
bit more experienced, would have been
produced immediately. It was -- my
understanding is that, actually, the
numbers and the dates that come -- that
actually exist for the trade are far better
for the plaintiff than the settlement dates
that were provided previously. So there
was no advantage to provide the wrong
dates. As a matter of fact, it's -- it's
-- it's against the -- the interest of the
class.

Q. Wrong dates were provided for
approximately 20 months before those dates
were corrected, correct?

1

Tauber - Confidential

168

2

3

4

5

6

A. I don't know how long it took. I know that -- that the information that was provided was -- was not for -- for what was requested, at least I know that at this time.

7

8

9

Q. Well, you represented trades as having a particular trade date when that was not accurate, correct?

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

A. I was unaware -- you know, I -- I've been looking at -- at the Fidelity dates, and I'm still not really sure what the -- what the difference is, because in some instances, the trade -- the settlement date is the next day, and other times, it's four days later, and sometimes it's three days later. So I don't -- I assume the trade date is the date that you -- you -- you push the button, and you -- and you purchase or sell -- or you sell new stock. As to whether the settlement date is a certain number of days later, I really don't know. I really can't say any more than that.

Q. But you always knew, though, that

1

Tauber - Confidential

169

2

there -- there was a concept of a trade
date and a settlement date, correct?

4

A. I knew that they were both
concepts. I didn't know that they weren't
the same date.

7

Q. You never knew that until

8

9

A. I knew that they were -- that
they -- they sometimes were the same date
and sometimes were a day later and
sometimes were two days or three or four
days later. And I never understood what
the difference was.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Q. But you know that early on, the
defendants, in certain motion papers, had
brought to the Court's attention that the
prices of the stocks on the -- on the dates
that you represented you traded --

A. Yeah.

Q. -- were different from the market
prices that day, correct?

A. I understand that now, and I
understand from reading transcripts that --
that that has been an issue. And -- and I

1

Tauber - Confidential

170

2

am truly sorry for that -- for that error.

3

But once again, my understanding is that
the error was in favor of the defendants.

5

So I'm not sure what -- what the point or
relevance of -- of this is.

7

Q. Well, let me explain it to you.

8

You provided information where you
certified under oath to the Court that --
that securities were purchased and sold on
a particular date, correct?

12

A. Correct.

13

Q. Right?

14

And that information was provided
to the defendants, correct?

16

A. I assume so.

17

Q. Well, it was filed with the
Court, right? Makes sense the defendants
would get that information, right?

20

A. In my experience, yeah.

21

Q. And wouldn't it make sense that a
responsible defendant would look at that
information and compare it to the market
prices --

25

MR. BROWER: Objection.

1 Tauber - Confidential 171

2 Q. -- of those days?

3 MR. BROWER: Objection.

4 Speculation.

5 Q. Wouldn't that be fair to do?

6 A. Counsel, I'll have to accept
7 your -- your analysis. I am not --

8 Q. I'm not asking you --

9 A. -- a financial --

10 Q. -- to --

11 A. I'm not white collar or a
12 financial attorney, so I couldn't -- I
13 couldn't speak to that.

14 Q. Well, when you gave a trade date
15 -- when you represented information as
16 being trade date information, right --

17 A. Yeah.

18 Q. -- and you identified the number
19 of shares purchased that day and the price
20 of the stock, that was because it was
21 pertinent to your case, right?

22 A. I understood it was necessary,
23 yes, sir.

24 Q. And that's something that the
25 defendants would be entitled to have.

1

Tauber - Confidential

172

2

MR. BROWER: Objection.

3

Q. Right?

4

A. I'll -- I'll -- I'll accede to
the fact that -- that this is information
you had a right to, yeah, absolutely.

7

8
9
10
11
12

Q. Right. And that the defendants
-- wouldn't it make sense to you, as a
judge, the defendants would look at the
date that you swore you purchased or sold
securities and verified the accuracy of the
information?

13
14

A. You know -- you know what --
what's strange to me is that if -- if --

15

Q. Just answer the question.

16
17

A. I am answering the question,
Counsel.

18
19

MR. BROWER: Stop arguing with
him, Mark.

20

MR. HYLAND: I'm not.

21
22
23
24
25

MR. BROWER: Ask the question,
and he's going to answer. Stop arguing
with him. You don't get to play this
game. There's no jury here. He's
going to answer the question --

1

Tauber - Confidential

173

2

MR. HYLAND: I'm looking forward
to the jury.

4

MR. BROWER: -- the way he's
going to answer it.

6

MR. HYLAND: This is going to be
pretty.

8

MR. BROWER: I'm sure you are.

9

Go ahead. Answer.

10

11

THE WITNESS: I need the question
again, please.

12

(Question read)

13

14

15

16

17

18

19

20

21

A. It would, but I would also expect
them to find -- not finding them to be
accurate, to -- to go back and to -- to
inquire as to whether or not they had the
correct dates. And as someone who's been
in the legal field for 35 years, but in a
very different area of the legal field,
it's my feeling that that's exactly what
competent counsel does.

22

23

Q. And do you have an understanding
that the defendants did not do that?

24

25

A. My understanding is that the
defendants did do that, but they never

1

Tauber - Confidential

174

2

attempted to inquire as to whether or not
they had the right date as opposed -- of
the trade as opposed to settlement.

5

My understanding is that
Mr. Druker, just a few days ago, indicated
that he didn't know the difference in
depositions. So I'm -- I'm not sure why
you expect me to have a greater
understanding than a man who has been in a
financial position for many decades.

12

Q. Is it your testimony that you
understand that Mr. Druker didn't know the
difference? Did somebody tell you that?

15

A. I understand that -- in a

deposition, that he did indicate so.

17

Q. Who told you that?

18

A. I -- I can -- I can indicate that
I had a -- I had a brief discussion with my
attorneys.

21

Q. Okay. You didn't see the

testimony, did you?

23

A. No.

24

MR. HYLAND: Next exhibit.

25

MR. BROWER: You're up to 10?

1

Tauber - Confidential

175

2

MR. HYLAND: Yes.

3

(A memorandum of law dated

4

May 15, 2012, was marked as Tauber 10

5

for identification.)

6

MR. BROWER: Two documents.

7

MR. HYLAND: Right.

8

MR. BROWER: You want to mark
them 10 and 11?

9

MR. HYLAND: Mark them 10 and 11,
sure.

10

MR. BROWER: You have two
documents. Take the paper clip off.
Take the paper clip off.

11

THE WITNESS: Of this one?

12

MR. BROWER: Yeah. Take the
paper clip off. Give her the second
piece of paper.

13

THE WITNESS: All right. Is that
the one you want underneath?

14

MR. BROWER: She marked them.

15

(An affidavit of Mark J. Hyland
was marked as Tauber 11 for
identification.)

16

THE WITNESS: 10, 11?

1

Tauber - Confidential

176

2

MR. BROWER: Yes.

3

Q. Okay. If I could direct your attention to Exhibit 10. This is Defendants Sonar Capital Management's and Neil Druker's memorandum of law in support of their motion to dismiss the amended class action complaint, and it's -- it was filed on May 15, 2012.

10

11

And I'd like to direct your attention to page 3 of the document.

12

A. Yes, sir.

13

14

15

16

17

Q. And if you go about halfway down -- and this is covered elsewhere -- but you see the sentence starting with, "Not only did Tauber close out his position in Sigma"?

18

A. Yeah.

19

20

21

22

23

24

25

Q. It said, "But his certification to the Court evidences that on all but one of his 114 trades, the price he paid or received for his Sigma shares was significantly outside of the trading range of Sigma stock for those days. Not only does Tauber fail to allege a loss, because

1

Tauber - Confidential

177

2

he sold shares at below-market prices (and
bought at above-market prices), he could
not plausibly have been relying on the
integrity of the market."

6

Now, there, defendants are
bringing to your attention and the Court's
attention that based on the certification
that you gave, your prices were
significantly outside of the trading range,
correct?

12

A. Correct.

13

Q. Okay. And are you aware that
there was a -- an oral argument --

15

A. I am.

16

Q. -- on -- on defendants' motion?

17

A. I am.

18

Q. And are you aware -- have you
seen a transcript of that?

20

A. I have.

21

Q. And are you aware that your
counsel suggested that the reason for that
might have been because you were trading
after hours?

25

Are you aware of that?

1

Tauber - Confidential

178

2

A. I read that.

3

4

5

6

Q. Okay. And also, did you read that in the judge's opinion when he granted defendants' motion to dismiss the first complaint?

7

A. I don't recall reading that.

8

Q. Okay.

9

10

MR. BROWER: I'm not exactly sure what the judge said.

11

12

13

Q. That the judge said that the explanation given was perhaps you were trading --

14

MR. BROWER: Perhaps.

15

16

Q. -- outside of market hours, correct?

17

MR. BROWER: Perhaps. Okay.

18

Q. Right?

19

20

21

22

23

So at the time that the defendants served their motion and made the allegation about you trading outside of the market, at that point, nobody went back and checked to see if that was correct, right?

24

25

A. From what I've read, I'm not sure. I don't know. I -- I personally was

1

Tauber - Confidential

179

2

not present, and so I can't really speak to
that.

4

5

6

7

8

9

10

11

12

Q. Not whether you were present or
not, but that after the explanation was
provided by counsel, and after the Court
referred to the fact that the discrepancy
could have been due to the fact that you
were trading outside of market hours,
nobody on your side went back and made the
correction of the trade date versus
settlement date.

13

A. Counsel, I --

14

15

MR. BROWER: Objection to the
form. Go ahead.

16

17

18

19

20

21

22

23

24

25

A. I -- I understand that -- that
it's a document that -- that -- that I -- I
certified. But I -- and I understand that
-- that I had -- I have a duty and
obligation for it to be correct.
Unfortunately, I -- I didn't have the
experience or expertise to recognize the
error. And quite frankly, I'm not sure of
its relevance beyond that.

Q. Well, do you think it was unfair

1

Tauber - Confidential

180

2

that the defendants had been led to believe, for some 20 months, that the trading information that you had provided was not accurate?

6

7

A. I -- I think it's unfortunate. I don't -- I don't know about unfair.

8

9

Q. Okay. And if I could direct your attention to Exhibit 11.

10

MR. BROWER: Your declaration?

11

MR. HYLAND: Yes.

12

MR. BROWER: Okay.

13

14

Q. You've seen this before, haven't you?

15

16

A. I may have. I cannot say that I -- that I definitely have seen it before.

17

18

Q. If you take a look at the chart on page 3, you don't remember ever looking at that?

20

MR. BROWER: Object to the form.

21

A. I don't have any recollection.

22

23

24

25

Q. But you see that the chart reflects work that was done by the defendants to point out the discrepancies in price based on the information that you

1

Tauber - Confidential

181

2

had provided regarding trade dates,
correct?

4

A. Well, if you give me a moment.

5

Q. Sure.

6

(Pause)

7

A. All right. I've read it.

8

9

MR. HYLAND: Can you read the
question back.

10

(Question read)

11

12

A. I -- I understand that it does
that.

13

14

15

16

Q. And that was based on the
defendants' understanding that the
materials that you provided concerning
trade dates were accurate, right?

17

18

MR. BROWER: Tell me if there's
some merit to your argument.

19

Q. You can answer.

20

21

22

A. Yeah, I -- I understand. Yeah, I
-- certainly, the work that was done was
based on inaccurate data.

23

Q. Okay.

24

25

MR. HYLAND: This is the next
exhibit.

1

Tauber - Confidential

182

2

(A deposition transcript was

3

marked as Tauber 12 for

4

identification.)

5

Q. This is a transcript, Exhibit 12,

6

of an argument that took place on

7

September -- excuse me --

8

MR. BROWER: June 19th.

9

Q. -- June 19th.

10

MR. HYLAND: Thank you.

11

Q. 2012.

12

A. Okay.

13

Q. And you've seen this before?

14

A. I'm not sure. Do you want to
direct me to a specific place?

16

17

Q. Well, I -- I think you testified
earlier that you had seen a transcript of
-- of the argument.

19

20

21

22

23

A. You know, I did. I just don't
recall the appearances as being -- I didn't
know that Mr. -- Mr. Kerr was the
attorney. I thought -- I thought it was
Mr. Brower.

24

25

Q. Well, if we go to -- if you go to
page 28, I'm going to take you over to 29.

1 Tauber - Confidential 183
2 A. Okay.
3 Q. Up at the top --
4 MR. BROWER: Of 29 or --
5 MR. HYLAND: Of 29.
6 A. Okay.
7 Q. And this is the colloquy by
8 Mr. Haber and the Court, the Court asking
9 him.
10 "QUESTION: Just like, you know,
11 millions of people in this country. He
12 lives in California. He is often doing
13 that after the markets would be closed
14 in the east. So maybe those -- and
15 this is just true surmise, all right --
16 maybe those trades were being executed
17 on after hours trading; that the high
18 and the lows for Bloomberg don't
19 reflect what, you know, highs and lows
20 for the after hours trading."
21 A. This is Mr. Haber.
22 Q. Yeah.
23 MR. BROWER: Yeah.
24 Q. Correct.
25 MR. BROWER: Yes.

1 Tauber - Confidential 184

2 A. Who I -- I've -- I've seen in
3 court once.

4 Q. Right. All right.

5 Okay. And following the argument
6 that day, you -- I'm not asking you for
7 substance, but you --

8 MR. BROWER: You don't want to
9 finish where he says, "We honestly
10 don't know"?

11 MR. HYLAND: Yeah. We honestly
12 don't know. That's correct. Yeah.

13 Right.

14 Q. And you heard a -- a report on
15 the -- how the argument went, correct?

16 A. Yeah.

17 Q. And that after that argument,
18 there was no effort at that time made to
19 figure out why the trading records, right,
20 did or didn't reflect a discrepancy in
21 terms of prices.

22 A. Right.

23 Q. Nothing happened, correct?

24 A. I think it went to the judge for
25 a decision. He said he would reach a

1

Tauber - Confidential

185

2

decision by Halloween, if I'm not mistaken.

3

Q. Right.

4

MR. HYLAND: Next exhibit.

5

(An opinion and order was marked

6

as Tauber 13 for identification.)

7

Q. And you've seen the judge's
decision on the motion to dismiss?

8

A. I have.

9

Q. The first motion to dismiss?

10

A. I have.

11

Q. And if I could direct your
attention to page 10 and 11.

12

A. Okay.

13

Q. And if you go over to 11, about
halfway down the first carryover paragraph,
there's a sentence --

14

A. Okay.

15

Q. -- starting with "Moreover."

16

MR. BROWER: I'm sorry. Where?

17

MR. HYLAND: On page 11.

18

A. "Moreover"? I don't see
"moreover."

19

Q. This is -- make sure we got the
right decision. This is opinion and order.

20

21

22

23

24

25

1 Tauber - Confidential 186
2 A. Opinion and order.
3 Q. Right.
4 A. 11 civic 9665.
5 Q. Page 1 of 16. This is a
6 16-page --
7 MR. BROWER: This is 11 of 16.
8 A. Yeah.
9 Q. Page 11, yes.
10 A. Okay.
11 Q. If you go down --
12 MR. KERR: About ten lines down
13 on the first paragraph.
14 Q. Nine lines down.
15 A. Nine lines down.
16 Q. Over on the right.
17 A. Oh, okay. All right.
18 MR. BROWER: That says we'll
19 revisit the issue after --
20 Q. And this is the --
21 MR. HYLAND: Excuse -- excuse me.
22 Q. This is -- this is the judge's
23 decision, correct?
24 A. I believe so.
25 Q. But do you have any doubt?

1

Tauber - Confidential

187

2

Take a look at the last page.

3

A. It appears to have his signature
on it. It appears to be an official
document with a seal and a file, and, so, I
would assume that it is, in fact, his
decision.

7

8

Q. Do you think you would need to do
anything else to --

10

11

A. No, I think that -- that -- that
satisfies me.

12

13

May I read this -- the
paragraph --

14

Q. Sure.

15

A. -- you're referencing?

16

17

MR. BROWER: Be sure to start on
the entire page where the paragraph
begins.

19

A. May I do that?

20

Q. Sure.

21

A. Okay.

22

(Pause)

23

A. It seems to reflect --

24

25

MR. BROWER: All right. There's
no question pending.

1 Tauber - Confidential 188

2 A. All right. Thank you, sir.

3 Q. He's directing you to where the
4 -- it says "Moreover."

5 It says, "Moreover, the factual
6 context in which Tauber traded is unclear:
7 In addition to the defendants' assertion
8 that Tauber may have been a day-trader or a
9 short-seller, plaintiffs' counsel suggests
10 that Tauber regularly traded after hours,
11 so the prices at which he traded might, in
12 fact, be within the market price range if
13 after hours prices were included."

14 Do you see that?

15 A. I read it.

16 Q. Okay. And where the judge
17 recites, "Plaintiffs' counsel suggests that
18 Tauber regularly traded after hours, so
19 that the prices at which he traded might,
20 in fact, be within the market range if
21 after hours prices were included," right,
22 is not the case, was not the case at the
23 time, correct?

24 MR. BROWER: Objection.

25 A. You're -- you're -- from what I

1

Tauber - Confidential

189

2

understand, the attorney, who is not my attorney, suggested that I might have been trading at night, and he was wrong. And the judge indicated that if it was an issue, it would have to be revisited in an amended complaint, which I understand it was.

9

Q. And you read this opinion and order when it came out, correct?

11

A. I believe so.

12

Q. All right. And when you read it, did you do any sort of -- make any inquiry to make sure that what the judge was saying was true or was not true concerning your -- concerning your after hours trading?

17

MR. BROWER: Objection. Witness has testified he did after hours trading. So what are you --

20

MR. HYLAND: Hold on a second.

21

Q. Is it your testimony that your after hours trading was the cause of the discrepancy and prices that are reflected on the certification that you put in to the Court?

1 Tauber - Confidential 190

2 A. No, I'm not -- I'm not suggesting
3 that.

4 MR. BROWER: That wasn't a
5 question.

6 Q. Okay. When was it that you
7 finally decided to check to see if the
8 information that you put in your trading
9 chart, which is Exhibit A, was correct?

10 A. It was in -- it was last year,
11 and counsel brought to my attention that
12 there may have been a mistake made and that
13 I should correct it if that were the case.
14 So I contacted Fidelity and -- immediately
15 and made inquiries, and they provided me
16 with additional information and data that
17 corrected the -- the issue.

18 Q. Up to that point when your
19 client -- your -- your counsel brought that
20 to your attention, did you think that after
21 hours trading was the cause in the
22 discrepancy between the price that you had
23 represented on Exhibit 8 and the market
24 price difference?

25 A. I don't remember reading that. I

1

Tauber - Confidential

191

2

mean, I -- I had the document. I read it.

3

But I don't remember that as -- as -- as something that kind of stuck out.

5

6

7

8

Q. You knew that the defendants were featuring an -- an argument that your trading prices didn't match the market, correct?

9

MR. BROWER: Objection.

10

11

12

A. That's -- well, that's not true. I didn't know that that was an issue until much later.

13

14

Q. Well, it was in the defendants' initial motion to dismiss, correct?

15

16

A. It was in -- you will have to reference the -- the document.

17

Q. All right.

18

MR. BROWER: I think it's 10.

19

20

21

Q. If you go to Exhibit 10, this is defendants' motion, the brief in support of their motion to dismiss the complaint.

22

23

24

25

A. I'm not sure that I've ever seen this. I don't -- I don't believe I testified -- I've testified today that I actually received it.

1

Tauber - Confidential

192

2

Q. Okay. Do you have a best
recollection whether you saw Sonar's brief
in support of its motion to dismiss?

5

MR. BROWER: Object to the form.

6

Asked and answered twice.

7

8

Q. Do you think you received it or
not?

9

A. I don't recognize it.

10

Q. Okay.

11

12

MR. HYLAND: Next Exhibit,
Exhibit 14.

13

14

15

(A memorandum dated August 30,
2013, was marked as Tauber 14 for
identification.)

16

17

18

19

20

Q. Exhibit 14 is Defendants' Sonar
Capital Management's and Neil Druker's
memorandum in support of their motion to
dismiss the second amended class action
complaint, filed August 30, 2013.

21

A. Yes, sir.

22

23

Q. Have you seen this document
before?

24

25

A. I believe I did receive this
document.

1 Tauber - Confidential 193
2 Q. Believe you did not?
3 A. I believe I did.
4 Q. You did.
5 When?
6 A. It would have been in the summer
7 or -- or the fall of 2013.
8 Q. Did you read it?
9 A. Well, it's not easy reading. I
10 did read it. I couldn't tell you what it
11 says without reading it again.
12 (Pause)
13 (Defendants' reply memorandum of
14 law dated September 20, 2013, was
15 marked as Tauber 15 for
16 identification.)
17 Q. Do you recognize Exhibit 15?
18 A. I believe I have seen this, yes,
19 sir.
20 Q. And this was filed -- up top, you
21 see it was filed on September 20, 2013?
22 A. Yep.
23 Q. If I could direct your attention
24 to the first page under "Preliminary
25 Statement."

1

Tauber - Confidential

194

2

The first sentence says,

3

"Twenty months after the amended complaint
4 was filed, plaintiffs now state that the
5 trade data they represent -- and which
6 Tauber certified as accurate in his lead
7 plaintiff motion -- is wrong."

8

Do you see that?

9

A. I see that.

10

Q. And that's a true statement,
11 correct?

12

A. That's correct.

13

MR. HYLAND: Let's take a break.

14

THE VIDEOGRAPHER: Stand by,
15 please.

16

The time is 3:07 p.m. This is
17 the end of DVD 3. We are off the
18 record.

19

(Recess)

20

THE VIDEOGRAPHER: Stand by,
21 please.

22

The time is 3:19 p.m. This is
23 the beginning of DVD No. 4. We are
24 back on the record.

25

EXAMINATION CONTINUED

1

Tauber - Confidential

195

2

BY MR. HYLAND:

3

Q. If I could direct your attention back to Exhibit 13, which is the opinion and order filed June 13, 2013.

4

A. Which exhibit again?

5

Q. 13.

6

A. 15, 14 -- yes, sir.

7

Q. Yeah. I'd like to direct your attention again to page 11.

8

Again, starting at the same language we looked at earlier, about halfway down, starting with the word "Moreover," do you see that?

9

A. Mm-hmm.

10

Q. Just read that sentence to yourself.

11

And the way the paragraph ends, it says, "Accordingly, this issue may be revisited once any amended pleading is filed," right?

12

A. Yes, sir.

13

Q. And after this decision came down, an amended complaint was filed, right?

1 Tauber - Confidential 196

2 A. I understand that's correct, yes.

3 Q. Okay.

4 THE WITNESS: That would be the
5 second amended complaint?

6 MR. KERR: It's right there.

7 THE WITNESS: Okay.

8 (A second amended class action
9 complaint was marked as Tauber 16 for
10 identification.)

11 A. Yes, sir.

12 Q. And this is the second amended
13 class action complaint that was filed after
14 the Court's opinion and order reflected in
15 Exhibit 13, correct?

16 A. I believe so, yes, sir.

17 Q. And in Exhibit 13, a Judge Rakoff
18 had said, "Accordingly, this issue may be
19 revisited once any amended pleading is
20 filed."

21 And the issue he was referring to
22 was that -- was -- was the issue of the
23 discrepancy in the trade date prices versus
24 the market prices that had been reflected
25 on your certification, correct?

1 Tauber - Confidential 197

2 A. I understand that to be the case.

3 Q. But the second amended class

4 action complaint that was filed,

5 Exhibit 16, a month later, five weeks

6 later, does not address, again, the issue

7 of trade date, settlement date, or the

8 market prices that apparently were outside

9 of the range, correct?

10 A. I wouldn't know that unless I

11 read the document.

12 Q. Did you review the second amended

13 complaint before it was filed?

14 A. I believe I did have an

15 opportunity to read it.

16 Q. Did you comment on it in any way?

17 A. That I could not say.

18 Q. Do you remember making any

19 comments on it?

20 A. I do not recall making any

21 comments on it.

22 Q. If you go to the back, the

23 exhibits, what is reflected on these

24 exhibits to your complaint?

25 A. Which exhibit were you

1

Tauber - Confidential

198

2

referencing?

3

MR. BROWER: Exhibit A.

4

Q. Start with A.

5

A. It's a comparison of price and
number of shares sold by Sonar compared to
those or the similar -- well, let me just
-- let me just back up one moment.

6

It shows Sigma -- Sonar's
purchase and -- and share price as compared
to the shares that I sold. And, so, it's
-- it's a comparison chart.

7

Q. Who prepared it?

8

A. I did not prepare it.

9

Q. Did you check it?

10

A. I had an opportunity to review
it, which I did.

11

Q. You did?

12

A. Yes, sir.

13

Q. What did you compare it with?

14

A. I compared it with the document.
I checked it for any -- any obvious errors.
I did not have with me at that time the
actual Fidelity documents. So I didn't go
through each one.

1

Tauber - Confidential

199

2

3

4

5

6

7

Q. Okay. But isn't it the case that where shares are represented as having been purchased or sold by you, that you took the very same information that was in the chart that you and your attorney completed and which is reflected in Exhibit 8?

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

A. I'd have to go over that at this time. I'm -- I -- I don't know.

Q. Well, you represent in the second amended complaint that you sold 9,000 shares on July 30, 2007, correct?

MR. BROWER: I can't read your handwriting.

A. That -- that appears to be correct.

Q. Why do you say it appears to be correct?

A. Because that's what I'm -- what I -- when I'm looking at it, that's what I see.

MR. BROWER: Are -- are you --

Q. I'm looking at --

A. I'm looking at the certification. Isn't that what you asked me to do?

1 Tauber - Confidential 200

2 Q. I'm looking at the exhibit to the
3 second amended complaint.

4 A. And I'm looking at the
5 certification. I thought you asked me if I
6 had gone to the certification to compare it
7 and what I would -- what I would see.

8 Q. Here's what I'm asking you.

9 MR. BROWER: Let him restart.

10 Q. I'll start over again.

11 A. Okay.

12 Q. Were you aware that you are
13 required, when you file a class action
14 complaint alleging violation to the
15 securities laws, that you must identify
16 your trades in the securities during the
17 relevant period about which you're
18 complaining?

19 A. I believe I -- I am aware of
20 that.

21 MR. BROWER: Objection. You want
22 to show him a copy of the PSLRA?

23 MR. HYLAND: No.

24 MR. BROWER: Then your
25 characterization is incorrect.

1 Tauber - Confidential 201

2 MR. HYLAND: Okay.

3 Q. What -- what was the purpose of

4 Exhibit A?

5 MR. BROWER: Are you talking

6 about that Exhibit A?

7 MR. HYLAND: I'm talking about

8 the Exhibit A.

9 MR. BROWER: Okay. Okay.

10 MR. HYLAND: Exhibit A to the

11 second amended complaint.

12 MR. BROWER: Okay. This is

13 different.

14 Q. Okay. What is the purpose of

15 attaching this chart?

16 A. I -- I believe it's to show the

17 -- the change in value and the loss to a

18 named complaint.

19 Q. Where does it show that for you?

20 A. Let me -- let me restate that.

21 It appears to show shares, share prices,

22 and dates that Sigma shares were purchased

23 by Sonar. It also shows dates in which

24 Sigma shares were purchased by myself.

25 Q. Right. And I'm going to focus on

1

Tauber - Confidential

202

2

the dates.

3

You said purchased by yourself?

4

MR. BROWER: No.

5

MR. HYLAND: Please, Mr. Brower.

6

A. I'm sorry. Did I say purchased?

7

Thank you.

8

Q. You meant sales?

9

A. I meant sales.

10

Q. All right.

11

A. I'm looking at --

12

MR. BROWER: He's reading.

13

14

A. -- the document, and I'm reading the titles.

15

16

17

Q. And so, in the last paragraph, it says, "Sigma shares sold by named plaintiffs," correct?

18

A. Right.

19

20

Q. And under that, it says, "Monday, July 30, 2007, 9,000 Tauber."

21

22

23

So you're representing to the Court you sold 9,000 shares of Sigma on Monday, July 30th, correct?

24

A. That's what that represents.

25

Q. Okay. But, again, that is not

1

Tauber - Confidential

203

2

the actual trade date, is it?

3

A. From what I understand, it is
not.

5

Q. And similarly, with respect to
the sales on August 16, 2007, where it says
you sold 18,000 shares of Sigma, that also
does not represent the trade date, does it?

9

A. I understand that that's

10 incorrect.

11

Q. Okay. Now, in the second amended
complaint, did you change the class periods
about which you were complaining?

14

A. I don't recall.

15

Q. Do you remember at any point
16 whether the class periods changed in any
17 respect?

18

A. I believe I did discuss that with

19 Mr. Kerr, yes, sir.

20

Q. And why did the class periods

21 change?

22

A. My recollection is that they were
23 changed because new information had been
24 discovered that reflected different dates.

25

Q. What new information?

1

Tauber - Confidential

204

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

A. I'm not exactly certain, but I think that it was a confluence of information that -- that made its way to counsel through Mr. Freeman through discovery. And on that basis, I was told that it was appropriate to change the dates. And we discussed that and agreed to do it.

Q. Well, when you initially became a plaintiff, you purported to represent a class of sellers from July 13, 2007, to November 27, 2007, right?

A. That sounds correct.

Q. And in your second amended complaint, if you look at Exhibit A here, okay, the one that we were just looking at, Exhibit A to Exhibit 16, we see transactions from July 13, 2007, to August 21, 2007, correct?

A. Correct.

Q. Do you see that?

And then if you go to Exhibit B of the same exhibit, the next block, the next period runs from September 11, 2007,

1 Tauber - Confidential 205

2 to November 27, 2011, correct?

3 A. That appears to be correct.

4 Q. And, so, this is your second
5 class period now, correct?

6 A. Yes, sir.

7 Q. So you see that there's a gap,
8 don't you, between August 22nd and
9 September 20, 2007, where you're not
10 representing anybody?

11 MR. BROWER: Objection.

12 Q. Do you see that?

13 A. I see that, yes, sir.

14 Q. Why did that happen?

15 A. Well, the best of my
16 recollection, this -- the two class periods
17 that were established were periods that the
18 data supported in the complaint.

19 Q. What data?

20 A. The data that exists in these
21 complaints, meaning the dates reflect new
22 information that had been discovered as I
23 understood it through counsel.

24 Q. What new information?

25 A. That -- that I could not say at

1

Tauber - Confidential

206

2

this time. It has been probably two years.

3

Q. Well, you have these very same
4 class periods in your third amended
5 complaint, correct?

6

A. As in the second?

7

Q. Yes.

8

A. I'd have to look at that, sir.

9

Q. When was the third amended
10 complaint filed?

11

A. If I saw the document, I could
12 tell you. I believe it -- it was within
13 the last several months, if I'm not
14 mistaken.

15

Q. What's your best recollection?

16

A. This past fall.

17

Q. All right. Did you review it?

18

A. I did.

19

Q. How does it differ from the
20 second amended complaint?

21

A. You're asking me about a document
22 that I have not -- that I don't have in
23 front of me, and I cannot tell you the
24 difference, especially since the third
25 complaint has perhaps 200 pages or

1

Tauber - Confidential

207

2

something close to it, including exhibits.

3

Q. What's the -- can you describe any differences between the third amended complaint and the second amended complaint?

6

A. No. Well, I could tell you one, certainly. I understand that among the more recent discovery were the names that -- of defendants who had benefitted directly from the illegal activity. And that information was only recently discovered, at least to my knowledge.

13

Q. And who are such persons?

14

A. You're asking me to tell you from memory the names? I could tell you one. I believe Mrs. Druker was one of the defendants, if I'm not mistaken.

18

Q. Anyone else?

19

A. No. I'd have to -- once again, I'd have to take a look at it. I did -- I looked -- I looked at it very recently. I looked at it sometime ago. But names, as I indicated earlier, are difficult for me.

24

Q. And what -- looking at the second class period, and that runs from

1 Tauber - Confidential 208
2 September 11, 2007, to November 27, 2007?
3 A. Which document, sir?
4 Q. Yeah. Just the --
5 MR. BROWER: Second amended
6 complaint.
7 Q. -- second amended complaint.
8 It's Exhibit 16. And why don't you go to
9 Exhibit B.
10 A. Yes, sir.
11 Q. All right. Can you describe your
12 allegations, your theory of the case
13 regarding the second class period.
14 A. I believe that this is the same
15 theory as found on page 59 in Exhibit A.
16 There are the shares of Sigma purchased by
17 Sonar, the dates of those -- of those
18 purchases, the share price, and the value,
19 total value of the shares purchased by
20 Sonar. And then there are the dates of
21 shares sold by both Mr. Gordon and myself.
22 Q. And what are the alleged acts of
23 wrongdoing during this particular class
24 period?
25 A. Well, I think the harm alleged,

1

Tauber - Confidential

209

2

3

4

5

6

7

8

9

10

as exists in -- in A, is that both myself and Mr. Gordon certainly might have acted differently if we were aware of the information that had been illegally obtained by Sonar, meaning that instead of selling, we might have retained the stock and achieved the remuneration or at least the percentage of remuneration that Sonar was able to achieve illegally.

11

12

13

14

15

Q. Are you alleging that the information that Sonar allegedly had should have been shared with the market, or are you alleging that Sonar simply should not have traded in the security?

16

A. I --

17

MR. BROWER: Object to the form.

18

Go ahead.

19

20

21

22

23

24

25

A. I think that inside trading is immoral and illegal act that undermines the credibility of the stock market. It certainly has kept me away from the stock market, although there are other circumstances that do as well.

Q. Okay. But specifically, what

1

Tauber - Confidential

210

2

acts of wrongdoing do you allege Sonar
engaged in?

4

A. I think we've gone -- we've
gone --

6

7

Q. No, during the second class
period.

8

A. Oh, specifically?

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

All right. They had information,

and on the basis of that information, they
purchased large quantities, enormous
quantities, in one instance, \$10 million of
-- of Sigma stock that, if we, Mr. Gordon
and myself and other members of the class
were aware of, might have meant that we
would not have sold the stock at the price
we did, and we would have gained the
advantage that Sonar obtained illegally.

Q. How did -- how did Sonar's

alleged acts hurt you?

A. I think I just explained it.

Q. No. You say that -- as I

understand --

MR. BROWER: Objection. You're
arguing with the witness.

1

Tauber - Confidential

211

2

Q. Your allegation is that Sonar --
your allegation is that Sonar engaged in
illegal insider trading, correct?

5

A. That's my understanding, yeah.

6

Q. Okay. And, so, you're saying

7 that Sonar should not have done that.

8

9 And you know that Sonar has
10 denied this, of course, right? I'm just
speaking hypothetically.

11

12 And you're saying that Sonar
should not have done that.

13

A. Correct.

14

Q. Right?

15

16 Okay. So you're saying by Sonar
17 doing that, Sonar made money that it should
not have made, correct?

18

A. Right.

19

20 Q. All right. How did that hurt
you?

21

22 A. Well, specifically, if that
23 information had been made available, as you
suggested as one of the possibilities to
24 the market, we might have -- and I
25 certainly would not have sold, but made

1

Tauber - Confidential

212

2

purchases. And in doing so, I think I would have profited very substantially.

4

And, you know, that's -- that's really all I have to say.

6

7

Q. You did make purchases during this period, correct?

8

9

A. I made purchases and I also made sales.

10

11

Q. You -- you purchased more than you sold, didn't you?

12

13

14

A. I would have to review that -- that data. I'm not -- I'm not certain about that.

15

16

Q. Okay. You've never reviewed that?

17

A. At one point, I did, yes, sir.

18

19

20

21

Q. All right. Are you alleging for the second class period that Sonar somehow pushed the price of the Sigma securities up?

22

23

24

25

A. I think that's part of it. As I look at -- I'm just surmising, just -- just looking at the numbers. It looks to me like there's something like 30 to

1

Tauber - Confidential

213

2

3

4

5

6

\$40 million worth of Sigma stock that was purchased in -- in about six weeks. And I think that could have substantially affected the market and, certainly, my behavior.

7

8

9

10

11

12

13

14

So, yes, I think it could have manipulated the price. But, once again, I think that the second part of that is that information that was illegally gained was denied to a -- to an honest shareholder or purchaser who sold -- who might sell rather than -- than either retain stock or purchase stock.

15

16

17

18

19

Q. If -- if Sonar had obtained that information, which you contend was illegally obtained, and not traded, but obtained it, and not traded, would you have any claim?

20

MR. BROWER: Objection.

21

A. Isn't that an illegal conclusion?

22

Q. No.

23

MR. BROWER: Yes, it is.

24

25

A. I -- I -- I'm not prepared to answer that. I don't have the expertise or

1

Tauber - Confidential

214

2

the knowledge to answer that.

3

Q. If Sonar's purchases during the second class period pushed the price of Sigma up, correct --

6

A. Yeah, yeah.

7

8

9

Q. -- that would have meant that your sales were at a higher price than they otherwise would have been, correct?

10

A. If I sold it all.

11

12

Q. Well, you're representing a class to sellers, aren't you?

13

14

15

16

A. I am, but that class could very well have retained their shares rather than sold them if they were privy to the information that -- that Sonar was.

17

18

19

20

Q. But they would have gotten a higher -- they would have received a higher price had Sonar not purchased to begin with, right?

21

22

23

24

25

A. Well, if you're suggesting that Sonar is pushing -- could be pushing the price up, I think that's -- that's probably accurate. I mean, I have no idea whether that's the case or not. I believe that --

1

Tauber - Confidential

215

2

that it certainly appears to be.

3

I mean, once again, I'm not an expert, but I believe that -- that pumping \$40 million or so into a relatively small stock probably is pushing the price up.

7

And I suppose that sellers would get more money. But at the same time, they might, in fact, become buyers, and they might, in fact, retain rather than sell their stock.

11

Q. And if that had become -- the information that you contend Sonar obtained illegally had become public before Sonar purchased, what would have happened?

15

A. Once again, you're asking me to -- to speculate, and we don't do that in California.

18

Q. If the information had become public, everybody would have access to it, then, correct?

21

A. I would think so, yeah.

22

Q. And would that have moved the stock up or down under your theory?

24

A. I think that it would -- it -- you know, I -- quite frankly, I'm -- I'm

1

Tauber - Confidential

216

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

just not savvy enough to -- to give you any kind of definitive answer. The best I can do is to say that -- that if there's good information out there, that more people would obviously be looking at Sigma to buy. But that -- I'm not sure that necessarily is the same thing as where a company takes advantage of information and denies it to the remainder of the market.

Q. And then you have a third class period, correct?

A. Yes, sir.

Q. And what are you -- who do you purport to represent during this third period?

A. These would be the buyers and those persons who bought in the period from December 20th through March 12th.

Q. All right. And what is your theory of wrongdoing alleged against Sonar during this period, the buyer period?

A. I think it's actually clearer in this particular segment because they have, in essence, driven the price up. And in

1

Tauber - Confidential

217

2

3

4

5

6

7

8

9

10

11

12

doing so, they've created an expectation among stockholders. And when they withdrew their money because they had insider information that was detrimental, buyers were still under the impression that the stock was -- that it had legs, that it was substantial, that it was going to continue to grow, whereas the only player on the block who knew it was -- was not so was getting out of the market as quickly as possible.

13

14

15

Q. And what did Sonar know that you contend was constituted material nonpublic information?

16

17

18

19

20

21

22

23

24

25

A. My recollection from the complaint and from discussions with counsel and other information that was relayed to me is that -- I don't want to get the wrong company, but I believe it was Panasonic. I'm not sure. There was -- it may have been Motorola.

There was a major company that had purchased a large quantity of product in the third quarter, previous third

1

Tauber - Confidential

218

2

quarter, that had pulled out. And that was enormously detrimental to -- to Sigma. And having that information and using it to sell 112,000 shares at 62.84, 156,000 shares at 49.15, I think, was very detrimental. I was purchasing at the time they were selling as well as, I'm sure, thousands of others.

10

11

Q. You were selling also, weren't

you?

12

A. I believe so, yes, sir.

13

14

15

16

17

Q. Okay. Now, in these exhibits to the second amended complaint, for the two -- what I call -- selling class periods, you just identify the shares that you sold, correct?

18

19

A. I'm sorry. I don't understand

the question.

20

Q. Yes. Go to Exhibit 16.

21

22

23

MR. BROWER: Mr. Hyland, I'm

going to object. Why don't you go to

paragraph 97 of the complaint.

24

Q. Exhibit 16.

25

MR. BROWER: Why don't you go to

1 Tauber - Confidential 219

2 paragraph 97 of the complaint first,
3 since that's a misleading question.

4 You're going through exhibits that the
5 exhibits themselves are described in
6 the body of the complaint as to what
7 they are.

8 MR. HYLAND: Yeah.

9 MR. BROWER: It's paragraph 97,
10 paragraph 111.

11 MR. HYLAND: Got it. Yeah.

12 Fine.

13 MR. BROWER: Okay.

14 Q. Same question. If you go to
15 Exhibit A, B, and C.

16 A. Okay.

17 Q. During -- on this chart on
18 Exhibit A, this reflects -- this reflects
19 the first selling class period, right?

20 A. Just give me a moment. It's like
21 a very long day in court.

22 All right. Yes, sir. A, B, and
23 C.

24 Q. Yeah. Exhibit A, okay?

25 A. Yes, sir.

1 Tauber - Confidential 220

2 Q. This is a selling class period
3 where you purport to represent sellers,
4 right?

5 A. Yes, sir.

6 Q. And you identify your sales,
7 correct?

8 A. Yes, sir.

9 Q. You don't identify your buys,
10 correct?

11 A. I do not see it here, no, sir.

12 Q. Okay. Exhibit B. You are
13 representing again a separate period,
14 during a separate period, a class of
15 sellers, correct?

16 A. Correct.

17 Q. And you identify your sales but
18 not your purchases, correct?

19 A. Correct, yeah.

20 Q. And in Exhibit C, the third class
21 period, you're representing -- this time,
22 you're representing a class of buyers,
23 correct?

24 A. Correct.

25 Q. And you're representing your

1

Tauber - Confidential

221

2

sales that you purchased but not sold,
3 right?

4

A. That's correct.

5

6

7

8

9

10

MR. BROWER: For the record, the
third paragraph as found in Exhibit C
is paragraph 120 of the complaint, and
all three of those paragraphs describe
that's exactly what's on the chart,
contemporaneous --

11

12

MR. HYLAND: They also don't
disclose --

13

MR. BROWER: -- sales.

14

15

MR. HYLAND: They also don't
disclose the opposite trading.

16

MR. BROWER: Whatever that means.

17

(Pause)

18

19

20

A. Is this -- is this a reasonable
time to take a short break, maybe just
about ten minutes?

21

Q. That's okay.

22

A. Five minutes? Ten minutes?

23

Q. Yes.

24

A. Something like that?

25

Q. Let's go for five.

1 Tauber - Confidential 222

2 THE VIDEOGRAPHER: Stand by,
3 please.

4 The time is 3:56 p.m. We are off
5 the record.

6 (Recess)

7 THE VIDEOGRAPHER: Stand by,
8 please.

9 The time is 4:06 p.m. We are
10 back on the record.

11 EXAMINATION CONTINUED

12 BY MR. HYLAND:

13 MR. HYLAND: 17.

14 (A third amended class action
15 complaint was marked as Tauber 17 for
16 identification.)

17 Q. Do you recognize Exhibit 17?

18 A. I do.

19 Q. And what is it?

20 A. Third amended class action
21 complaint.

22 Q. It was filed on December 30,
23 2014?

24 A. Just one moment.

25 Filed December 30th, yes, sir.

1

Tauber - Confidential

223

2

Q. Did you receive a draft of this
complaint before it was filed?

4

A. I did.

5

Q. Were you asked to comment on it?

6

A. I was.

7

Q. Did you have any comments on it?

8

A. We had a conversation, I recall,
about what had taken place in terms of the
negotiated plea and discovery that had been
made and -- and the potential for clawing
back against the named defendants.

13

Q. Did you have any comments on the
complaint, on the draft complaint?

15

A. I don't recall anything
specifically, no, sir.

17

Q. Anything general?

18

A. No. It seemed to me to be -- to
be good work.

20

Q. On any of the complaints, did you
ever have a comment that you, in fact,
wrote on the document and sent back to
counsel?

24

A. Virtually all the comments
were -- were conveyed by telephone.

1 Tauber - Confidential 224

2 Q. Can you remember what any of the
3 comments were?

4 A. I remember I wanted to know what
5 "clawed back" meant.

6 Q. Okay.

7 A. And I wanted to know what the
8 process was and the procedures.

9 Q. Okay. Have you ever met Noah
10 Freeman?

11 A. No.

12 Q. Have you researched his
13 background at all?

14 A. No, just what I've read in the --
15 in the complaint.

16 Q. Do you have any other information
17 about Noah Freeman other than what you've
18 read in the complaint?

19 A. From discussions with my counsel.

20 Q. Okay. Are you aware that he's an
21 admitted drug user?

22 A. I think -- I'm trying to
23 remember, but I -- it is -- there's a -- I
24 have some vague recollection in the
25 complaint. But perhaps -- I quite honestly

1

Tauber - Confidential

225

2

couldn't say.

3

Q. Are you aware that he -- he
testified at the trial of Winnie Jiau?

5

6

A. No. I may have read it, but I
don't recall it.

7

8

9

Q. You didn't read any of the
transcripts of the testimony at the Winnie
Jiau trial?

10

A. I don't recall reading that.

11

12

13

14

15

Q. Okay. Did you ever hear that --
that Freeman admitted to hallucinating on
mushrooms, drug-laced mushrooms, and
running around the streets of San Francisco
in his underwear?

16

17

18

19

20

21

22

23

24

25

A. You know, this stuff is vaguely
familiar. I can't recall whether it was in
something I've read that you submitted. I
kind of think it was, and I can't recall in
what document. I'm -- I'm just trying to
be as straight as I can. I -- I've heard
the allegation somewhere, and I think it
was in one of your documents.

Q. Do you want to think again about
that last allegation?

1 Tauber - Confidential 226
2 A. I'm not -- I'm not --
3 Q. Have you heard that last
4 allegation before?
5 A. I've heard the last -- the
6 allegation before.
7 Q. All right.
8 A. Whether -- whether -- and as to
9 whether it's in one of your documents or
10 not, I -- I couldn't say.
11 Q. All right. Have you heard that
12 Noah Freeman actively participated in
13 triathlons?
14 A. I don't remember that part.
15 Q. Okay. You didn't hear that he
16 used performance-enhancing drugs to improve
17 his performance in those?
18 A. I don't recall anything about
19 marathons or running.
20 Q. Did you hear anything about him
21 receiving illegal prescription drugs?
22 A. The part about being a drug
23 addict is -- it's kind of -- rings a bell,
24 but the other stuff doesn't.
25 Q. Did you hear any allegations that

1

Tauber - Confidential

227

2

he assisted in the purchase of -- of
supplying prostitutes to contacts?

4

A. No.

5

6

Q. Okay. If those -- if -- if those
things were true, if they were true, in
your mind, as a judge, would they affect
his credibility?

7

MR. BROWER: Objection.

8

Q. Based on your experience.

9

MR. BROWER: Objection.

10

11

12

13

14

15

A. Counsel, I -- I -- I'm a trial
judge, not a jury. I don't -- I don't make
those kinds of determinations. I leave
that to the jury.

16

17

Q. You've had bench trials before,
haven't you?

18

A. I certainly do.

19

20

Q. You know the difference between a
bench trial and a jury trial?

21

22

A. I certainly do, Counsel.

23

24

Q. And in a bench trial, you are the
finder of facts?

25

A. And credibility.

Q. Correct.

1 Tauber - Confidential 228

2 A. Yeah. It -- it depends on so
3 many things. You know --

4 Q. Okay.

5 A. -- it's -- to say that it would
6 have no impact would not be true, but to
7 say that it would have a substantial impact
8 would be probably overstating the case. It
9 would be one of the factors that I would
10 consider. If you're a judge or if you're a
11 juror, you're expected to take in all the
12 information that you can and to use it and
13 weigh it in an unbiased fashion.

14 So in California, at least, there
15 are certain things we can consider and
16 certain things we can't. For example,
17 being a drug addict or being charged with
18 -- being under the influence is not one of
19 the things you can charge or prove as a
20 prior or use his character for impeachment.
21 So it really depends where you are.

22 Q. And you do give standard jury
23 instructions that if a -- if a juror
24 concludes that a witness has lied on the
25 witness stand, the jury -- the juror is

1

Tauber - Confidential

229

2

3

4

entitled to, but not required to, disregard the witness' testimony in its entirety, correct?

5

A. Not entitled, but may.

6

Q. What did I say?

7

8

9

10

A. They may consider it, but are not to use it. I'm not sure I could -- I could repeat it exactly, but basically what you said is correct.

11

12

13

14

15

Q. All right. And in your experience, you have -- you -- you have had the occasion to deal with defendants who have pleaded guilty and become cooperators, correct?

16

17

A. It's -- it's certainly happened in -- in my court, yeah, yeah.

18

19

20

21

Q. Okay. And one of the reasons that -- a primary reason that a defendant will cooperate is the hopes of receiving a lesser sentence, correct?

22

23

24

25

A. Yeah, of course.

Q. And generally, the more people

that a cooperating defendant can implicate, the better the chance for a lighter

1

Tauber - Confidential

230

2

sentence.

3

MR. BROWER: Objection.

4

Q. Right?

5

A. You know, that's really the -- maybe that's in federal court. But in -- in -- in state court, if -- if there's a cooperative witness and the prosecution makes a request, the Court will consider it. But I'm not one that automatically sentences on the basis of -- of a recommendation from the prosecution.

13

Q. But a cooperating defendant has that hope that, by the cooperation, they would get a reduced sentence, correct?

16

A. And -- and it does happen.

17

Q. Okay. Are you aware that Noah Freeman wore a wire in conversations with his -- his best friend?

20

A. Vaguely familiar. I'm sorry. That's -- that's the best I can do. I may have read it in the complaint or in some other document.

24

Q. You think it's in the complaint?

25

A. You know, I don't know. It just

1

Tauber - Confidential

231

2

3

4

seems to me like I've -- I've -- I've read that, and it may have been in a memorandum or some other document.

5

6

Q. Okay. Have you ever heard of Don Longueuil?

7

A. No.

8

9

Q. All right. Have you ever heard of Thai Nuan?

10

A. No.

11

Q. No?

12

13

A. Like I said, I'm not great on names.

14

15

Q. Okay. Have you ever heard of Abaxis?

16

17

18

19

20

A. Yeah. I have heard of that.

Were they a defendant or -- or one of the defendants? I -- I'm -- I'm trying to put it back together. I've heard the name, if that's your question, yeah.

21

22

Q. Okay. And you reached a

settlement with Noah Freeman, correct?

23

A. Yes, sir.

24

25

Q. And what factors did you weigh in determining whether the settlement was

1

Tauber - Confidential

232

2

reasonable?

3

A. Well, I'm a little bit

4

uncomfortable answering that, and I'm going
to defer to my counsel. It just seems like
it's something that -- that -- that ought
to be covered by lawyer-client privilege.

5

THE WITNESS: But -- but you tell
me.

6

MR. BROWER: Try it another way.

7

Q. You -- you approved the
settlement, correct?

8

A. Correct.

9

Q. Okay. And did you consider any
factors in determining whether or not you
should agree to what Noah Freeman was
proposing and what you ultimately agreed
to?

10

MR. BROWER: You can go ahead.

11

THE WITNESS: Thank you.

12

A. My recollection is that he had
agreed to provide the names of defendant or
corporations that -- or institutions that
had been -- that had benefitted from
illegality. My understanding that -- is

13

14

15

16

1

Tauber - Confidential

233

2

3

4

5

6

7

8

9

10

that he is to be sentenced, if I'm not mistaken. My understanding is that he has opted to engage in a financial settlement, as -- as -- as being a partial settlement of this case. And, I believe, if I'm not mistaken -- and this -- some of this stuff I'm trying to remember from six months or a year ago, but it was about a half million dollars, if I'm not mistaken.

Q. Half a million dollars what -- that he's paying?

A. That he's paying. That may be news to you.

Q. Did he -- did -- did you -- did you consider his personal financial situation and ability to pay?

A. I don't recall. I think there was some discussion about that, and that he had -- he had limited ability to pay.

Q. But you've never met Mr. Freeman.

A. No.

Q. Do you have any desire to?

A. Not really. In fact, this whole week could disappear, and that would be

1

Tauber - Confidential

234

2

just fine.

3

Q. When you were making investment decisions back in -- you know, generally, back in 2000 -- 2006, 2007, 2008 --

4

A. Sure.

5

Q. -- was it your intention -- was it your general thesis to -- to buy and hold securities?

6

A. You know, it was, and with the idea of obviously making a lot of money and -- and leaving the market. So I had a long-range goal to do that. I wasn't -- my plan wasn't a ten-year plan. It was more like, I would say, three to five years.

7

Q. And with respect to your transactions in Sigma, though, each month, you were -- you were -- during the three class periods or each -- during each class periods, you were buying and selling, correct?

8

A. I was. And -- and some of it -- some of it actually surprises me. And when I think back to it, it was a -- a very -- it was a difficult time.

1

Tauber - Confidential

235

2

3

4

5

Q. Was that -- was that pattern of -- of buying and selling Sigma -- was -- was that consistent with the way you were buying and selling other securities?

6

7

MR. BROWER: Objection. You can answer.

8

9

10

11

12

13

14

15

A. I -- no, it wasn't. It -- it was -- it was a stock that I -- I saw rise from a relatively modest cost, and -- and, so, it was my intention to benefit from it if I could. And, certainly, there was a possibility that I could attain my goals and -- and leave the market in -- in a -- in a beneficial position.

16

17

18

Q. Now, ultimately, ultimately, you -- you lost a lot of money trading Sigma, correct?

19

A. Yes, sir.

20

21

22

Q. But during the three class periods that are at issue here, you made money, correct?

23

MR. BROWER: Objection.

24

25

A. Once again, I -- I haven't done the addition, so I couldn't tell you.

1 Tauber - Confidential 236

2 Q. All right. And, so, when did you
3 incur your substantial losses in Sigma?

4 A. I incurred losses starting
5 probably in November. I think it topped
6 out -- I was just looking at a document --
7 at 68 or something in that -- that
8 vicinity, if I'm not mistaken. And it
9 started down from there. And -- and I held
10 on. And it was -- they say that -- that
11 it's much easier to -- to buy stocks than
12 sell them. And, certainly, that was, I
13 think, the case for most stockowners.

14 Q. Well, your third class period
15 ended, in this case, in -- in March of
16 2008, correct?

17 A. Right, right.

18 Q. And, so, you -- you had
19 substantial losses after that? Is that
20 what your --

21 A. I had --

22 Q. -- testimony is?

23 A. I had losses after that, but most
24 of -- I mean, this is -- this is what I
25 recall.

1

Tauber - Confidential

237

2

Q. Yeah.

3

A. Most of my losses occurred before
then, if I'm not mistaken.

5

6

7

Q. How much did you -- how much did
you end up losing in Sigma after the -- the
third class period?

8

A. Third class period ends --

9

Q. It ended in March of 2008.

10

11

A. Beginning of March? End of
March?

12

Q. Yes.

13

MR. BROWER: March 12th.

14

Q. March 12th.

15

16

17

18

19

A. You know, I just don't know. I
think that by that time, I was down to
perhaps -- I'm thinking maybe perhaps
10,000 shares from 40 or 50, something like
that, if that.

20

21

22

23

24

25

Q. Do you -- do you contend that
your losses after the class periods
involved in this case were a result of any
illegal activity?

A. I'm going to -- to stick with --
with the complaint as is, I'm not making

1

Tauber - Confidential

238

2

3

4

5

any allegations beyond that. I think that decisions I made after that were certainly set in place in some ways, or at least were a -- a factor in my retaining Sigma.

6

7

Q. Now, you experienced losses in your other trading beside Sigma also?

8

9

A. Relatively minor compared to Sigma.

10

11

12

13

Q. Okay. Well, during this time, I think that you testified you think you had about \$2 million of assets that you were trading?

14

15

16

17

A. I thought it was more than that. I was thinking that I had about two and a half million dollars. But I --

Q. Okay.

18

19

20

A. In November, probably, at the end of November, it would have been something like that.

21

22

23

Q. Okay. And what happened to the two and a half million?

24

25

A. It -- well, Sigma went away, basically. It returned to the basement. I'm not sure when it did. I think it was

1 Tauber - Confidential 239

2 probably maybe by May. It was back down to
3 about 10 or \$15.

4 Q. What's left of the two and a half
5 million dollars today?

6 A. The answer is nothing.

7 Q. Was it all lost in the market?

8 A. Yeah.

9 Q. All right. Did you trade on
10 margin at all?

11 A. I did.

12 Q. And did you trade on margin
13 during the class periods?

14 A. I would think so, yeah.

15 Q. That's your recollection?

16 A. Yes.

17 Q. Do your trading records identify
18 margin trades, do you know?

19 A. I wouldn't know.

20 Q. I'm looking at Exhibit 9.

21 Can you tell the amount of
22 margin, if any, that was utilized in making
23 these trades from these records?

24 A. Well, I couldn't tell you from
25 the records. I -- I used margin a fair --

1

Tauber - Confidential

240

2

3

4

5

6

7

8

9

10

fair amount, but -- and, of course, that had to be -- had to be paid back. I think -- when I said two and a half million, I meant with margin, two and a half million. So it was probably -- it could have very easily been closer to 2 million or less in terms of real money as opposed to what's -- what I owed in terms of margin.

11

12

13

Q. Do you think you understood the margin rules adequately when you were engaging in this trading --

14

A. Yeah.

15

Q. -- backed in the class periods?

16

A. Yeah, I did.

17

Q. And expect it to be very risky?

18

MR. BROWER: Object to the form.

19

20

21

22

23

A. You know what? I don't think margin got me in trouble. I didn't -- I didn't sell, and I didn't lose the money because I -- because of the margin -- any margin problems.

24

25

Q. When did -- when did you first start utilizing margin in trading for your

1

Tauber - Confidential

241

2

own account?

3

A. Probably 2006 sometime,

4

maybe 2000 -- late 2000 -- that's hard for
5 me to say.

6

Q. That's okay.

7

A. I didn't use it a lot, and --

8

and, of course, depending on the stock, how
9 much you could actually trade on margin is
10 -- is -- is substantially different for
11 each company.

12

Q. Right.

13

A. And -- and I don't think Sigma
14 had a particularly high rating for that, so
15 I think -- I think you were -- you were
16 limited to 10 or 20 percent, something like
17 that.

18

Q. What did you do to educate
19 yourself about the risks of trading on
20 margin?

21

A. Well, like I said, I -- I -- I
22 read everything I could, and I -- I would
23 call up Fidelity, and I would talk -- talk
24 to a consultant. Obviously, generally, we
25 -- we wouldn't talk about Sigma, but we --

1

Tauber - Confidential

242

2

we discussed the issues.

3

Q. And when is the first time that
you traded in options?

5

A. Probably summer of 2007.

6

Q. 2007?

7

A. I think.

8

Q. Was Sigma the first time you
utilized options?

9

A. I think.

10

MR. HYLAND: Let's just take a
couple of minutes. I'm just about
done.

11

A. Sure.

12

THE VIDEOGRAPHER: Stand by,
please.

13

The time is 4:33. This is the
end of DVD 4. We are now off the
record.

14

(Recess)

15

(Plaintiffs' memorandum to
dismiss the second amended class action
complaint was marked as Tauber 18 for
identification.)

16

THE VIDEOGRAPHER: Stand by,

1

Tauber - Confidential

243

2

please.

3

The time is 4:38 p.m. This is

4

the beginning of DVD No. 5. We are

5

back on the record.

6

EXAMINATION CONTINUED

7

BY MR. HYLAND:

8

Q. Looking at Exhibit 18, have you seen -- which is Plaintiffs' memorandum of law and opposition to Defendants' Sonar Capital Management's, Neil Druker's motion to dismiss the second amended class action complaint -- have you seen this before?

14

A. If I may have a moment.

15

(Pause)

16

A. I believe I have, yes, sir.

17

Q. And did you review it before it was put into final?

19

A. I believe I did, sir.

20

Q. And you see some -- if you go to the back, the last page of the brief is page 26, and then there's an Exhibit A.

23

Do you see that?

24

A. Yeah.

25

Q. Just go to Exhibit A there. And

1

Tauber - Confidential

244

2

this Exhibit A is entitled "Plaintiff Jeffrey Tauber Trades In Sigma Designs, Inc. Stock," right?

5

A. Right.

6

7

8

9

Q. Okay. Again, I touched on this earlier. But if you take a look under the first column, number of shares, it says "9,000," right?

10

A. Right.

11

Q. Purchased.

12

Trade date: 7/16/2007.

13

A. Right.

14

15

Q. You were generally positive on Sigma at this time?

16

A. On that date specifically?

17

18

19

20

Q. Around this time. I'm talking during -- during the selling period, during the seller class period, the first seller class period.

21

22

A. Yeah. I -- I had seen it rise from approximately 10 -- \$10 to \$30.

23

24

25

Q. And, so, you purchased 9,000 shares, and then sell the 9,000 shares shortly thereafter.

REDACTED

1

Tauber - Confidential

245

2

A. Yeah.

3

Q. Correct?

4

A. Right.

5

Q. What -- what made you do that?

6

Do you know?

7

A. I think you've asked me this

8

before. And I don't mind going back to it.

9

I don't really know. I know that I had --

10

I've taken a look at -- at my -- the number

11

of shares I had over the period -- the

12

class period, and they were fairly

13

consistent. They stayed fairly consistent,

14

for the most part, at about 40,000, I

15

believe.

16

As to why I sold it, there were

17

times when I just got cold feet. There

18

were times when I just got really nervous.

19



20



21



22



23



24

And I just -- you know, there

25

were times when it was -- it was difficult

1

Tauber - Confidential

246

2

3

4

5

to be completely rational. And I feel like I was rational almost all the time. There were some times when the -- the work I was doing was -- was very challenging.

6

Q. Your drug court work?

7

8

A. No, I'm talking about -- I'm talking about this.

9

Q. Oh, okay.

10

11

12

13

14

15

A. I mean, this is, you know -- it's -- it's dealing with a lot of money. And -- and it can be -- it can be difficult. And, you know, I wish -- I wish I could always be as rational as -- as I am on the bench.

16

17

18

Q. Just for example, if you go to a page in your trading records, Exhibit 9, page 612.

19

20

A. We're still on 14 -- 16?

Exhibit 16?

21

22

23

24

25

Q. No. If you go to Exhibit 9 --

A. I'm sorry.

Q. -- which is your trading records.

MR. BROWER: Your trading records.

1 Tauber - Confidential 247
2 A. Yeah. Right. Go ahead. Oh,
3 there it is. Yeah. Right.
4 MR. BROWER: Mark, I'm sorry,
5 what page again?
6 MR. HYLAND: Oh, if you go to
7 612.
8 A. 612, yes, sir.
9 Q. All right. This is -- this is
10 the trade date July -- trade date
11 July 20th.
12 A. Yeah.
13 Q. Okay?
14 A. Yeah.
15 Q. And also keep Exhibit 18 out,
16 would you?
17 A. 18?
18 Q. Right. You know, the --
19 A. Right. The one you just gave us?
20 Q. Yeah. And I'm going to be -- you
21 may be looking at the chart on the back.
22 A. All right.
23 MR. BROWER: Does this come from
24 a call option?
25 MR. HYLAND: Yeah. I'm looking

1 Tauber - Confidential 248

2 at -- yes, it is a call option. Yes.

3 Yes. And that's my -- that's my
4 question.

5 MR. BROWER: This? It says
6 "stock."

7 MR. HYLAND: Huh?

8 MR. BROWER: It says "stock" on
9 the chart.

10 MR. HYLAND: Yes, it does.

11 MR. BROWER: Oh, okay.

12 MR. HYLAND: I understand. No,
13 But I'm asking here.

14 Q. In -- in this lawsuit, are you
15 purporting to represent people who held
16 options in the stock?

17 A. I don't believe that -- that
18 was -- that it's part of the complaint, as
19 I understand it.

20 Q. Why not?

21 A. From my understanding, that is
22 not part of the class.

23 Q. Why not?

24 A. From my understanding, the law
25 that's not part of the class, and that's

1

Tauber - Confidential

249

2

something that was discussed.

3

Q. Okay. It was discussed and was decided that you weren't making the calls part of the class or any options.

6

MR. BROWER: Were not.

7

MR. HYLAND: Were not. Yeah.

8

MR. BROWER: Okay.

9

Q. All right. But I see here this reflects that on July 20, 2007 --

11

A. Yeah.

12

Q. -- you're selling 59 call options, correct?

14

A. Right.

15

Q. And why would you be selling call options that day but not selling shares?

17

A. I -- there's -- there's -- you know, there's more profit to be made in options than in shares. But there -- there's an understanding or there's -- that you reach a certain number by a certain day. I don't know -- I don't know how else -- how else to say it.

24

Q. Okay. But sitting here today, you can't explain why you were selling

25

1 Tauber - Confidential 250
2 options, selling calls on that day; is that
3 correct?

4 MR. BROWER: I'm going to object,
5 but you can answer.

6 A. I -- I was in the stock market to
7 make money, and I thought that Sigma was --
8 had shown itself to be a very reliable
9 stock, and I believe that it was
10 appropriate and reasonable to do at the
11 time.

12 Q. Well, but what -- what is the --
13 what is the investment bias of selling
14 calls?

15 MR. BROWER: Object to the form.

16 Q. I mean, what are you hoping to
17 accomplish by selling a call?

18 A. I don't know -- I don't know -- I
19 thought I just said it -- I mean, I may
20 be -- that the purpose is to make -- to
21 make money.

22 Q. How would you make money by
23 selling calls?

24 A. As I understand it, if the -- the
25 call was for -- for July 30th, and I was

1

Tauber - Confidential

251

2

attempting to profit by the stocks reaching
the required level.

4

5

Q. How would you profit by selling a
call?

6

7

8

9

10

A. The -- the call was for
July 30th, and the trade date was
July 20th. If the stock was at the
required level, I would -- I would benefit
from it.

11

12

13

14

Q. How? Wouldn't you benefit by it
if you bought and exercised a call if the
stock was at the required level as opposed
to selling a call?

15

MR. BROWER: Object.

16

17

18

19

A. Yeah. I -- I simply -- I --
I've -- quite frankly, I -- I -- I
cannot -- I can answer -- I cannot answer
that --

20

Q. Okay.

21

A. -- at this time.

22

23

Q. Okay. If you go to 618 of
Exhibit 9.

24

25

And this shows a purchase on
August 13, 2007, of some 19,345 shares of

1 Tauber - Confidential 252
2 Sigma, correct?
3 A. We're talking about August 13th?
4 Q. Yes.
5 A. All right.
6 Q. Page 618.
7 A. Okay. All right.
8 Q. And you see a lot of purchasing
9 activity on that page, over the next three
10 pages, from 618 to 621 --
11 A. You know, I --
12 Q. -- correct?
13 A. -- I believe, although I can't
14 say it for sure, my -- my guess is that
15 it's the same transactions. Is that
16 incorrect?
17 Q. Oh, I don't know. It could be.
18 But my point is that -- that from records
19 618 to 621, it looks like you've purchased
20 almost 20,000 shares of Sigma for about
21 \$645,000.
22 A. Yeah.
23 Q. Okay?
24 A. Yeah.
25 Q. Now, for you, isn't that a huge

1

Tauber - Confidential

253

2

purchase?

3

A. That -- that is a huge purchase, yeah.

5

6

Q. Had you ever made one that big up to that point, do you know?

7

A. Doesn't look like I did.

8

9

10

11

Q. Okay. Now, as you're sitting here today, can you identify any reason that caused you to make a purchase of that size?

12

13

14

15

16

17

18

19

20

21

22

23

24

25

A. Well, you know, there were so many -- so many ways that I received input. And just going back and reviewing the Gilder hotline, the various existing analyses that Fidelity did, and the fact that it appeared to me that it was reasonable to do so. But if you're asking me was there any specific reason, I simply couldn't tell you at this point.

Q. Well, you -- okay.

On August 13th, you're -- you're

-- you're buying 19,345 shares for

\$645,000. And then the same day, you sold 18,000 shares.

1 Tauber - Confidential 254
2 What happened?
3 A. You know, probably the best --
4 best way to describe -- I mean, just
5 looking at it and knowing myself, I -- I
6 probably got cold feet.
7 Q. Okay. If you go to 626 --
8 A. All right.
9 Q. -- which shows -- if you go to
10 6 -- starting at 626 all the way to 645.
11 A. Okay.
12 Q. I think that shows all of your
13 trading on October 22, 2007.
14 A. Yeah, yeah.
15 Q. Right? That's that it looks
16 like?
17 A. Yeah. That was a single trade.
18 Q. A what?
19 A. It was a single trade that was
20 broken down --
21 Q. Okay.
22 A. -- by Fidelity.
23 Q. So you're selling 17,800 shares
24 for about \$940,000, correct?
25 A. I don't remember the exact

REDACTED

1

Tauber - Confidential

255

2

numbers, but it was a lot of money.

3

Q. Do you know why you sold that

4

much?

5

A. Yeah. Holding on is -- is
really -- is really hard to do sometimes.

6

Black Monday had just occurred, and -- or
at least the celebration or the
anniversary. And there were some -- there
were just some reasons why I felt that
maybe I should get out, which, I suppose
that you can call it cold feet.

13



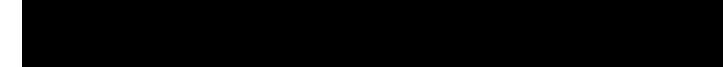
14



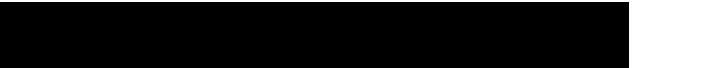
15



16



17



18



19



20



21



22



23

Q. Okay. Now, if you go to
page 646, and if you go from 646 to 650.

24

A. Okay.

25

1 Tauber - Confidential 256

2 Q. This shows transactions on

3 November -- November 8th.

4 A. Yes, sir.

5 Q. And it looks like you purchased

6 19,545 shares on November 8, 2007, for

7 \$1,070,476.

8 Do you see that?

9 A. All right. Starting on page 646

10 through page --

11 Q. Right. 646 to 650, I think it

12 is.

13 A. Okay.

14 Q. Yes.

15 A. Yeah. Okay.

16 Q. And, again, it looks like -- and

17 it looks like, from these records and from

18 your chart on Exhibit 18, that on

19 November 8th, you purchased over a -- more

20 than 19,000 shares, right?

21 A. Yeah.

22 Q. And this is after you had, just

23 two weeks before, sold approximately the

24 same amount, right?

25 A. Okay.

1

Tauber - Confidential

257

2

3

4

Q. Now, so you got out of the stock pretty substantially on October 22nd and then got back into it on November 8th.

5

A. Right.

6

Q. And so you purchased there.

7

8

Any explanation -- do you have any -- any reason why you did that?

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

A. The only thing I could tell you is that I was still -- I still believed that this stock had great promise and decided that I wanted to remain active in it. And as to specifics, I was very diligent in collecting information and doing my best to follow its rise.

Q. Because on the next day, you purchased another 24,845 shares. So you purchased about a million 350 in the course of two days, right, on 11/8 and -- well, 11/8 and 12, I guess.

A. Yes, sir.

Q. And then if you look at 654, you sold 5300 shares.

A. Right.

Q. So after buying a million 350,

1

Tauber - Confidential

258

2

you then quickly sold 5,300 shares.

3

Do you have any -- any

4

explanation why you would, you know, a
couple weeks before, sell about a million
dollars' worth, and then two weeks later,
buy back a million 350's worth, and then
the next day after completing that, sell
5300 shares?

9

A. I think I've given you the best
answer I can, which is that I was trying to
optimize my profit, and using the
information I had, I was making decisions.
What those -- what that information was --
what -- seven years ago or eight years
ago -- is -- is so -- so difficult to -- to
reconstruct.

10

Q. I'm just -- I fully understand
that.

11

But what I'm trying to get at is,
we see these purchases and sales coming in
such a fashion as the way we do.

12

Does that jog your recollection
as to why you were doing it?

13

A. It -- it -- it jogs my

1

Tauber - Confidential

259

2

3

recollection as to how much money I've lost, yes, it certainly does that.

4

5

6

7

8

Q. Because after that sale, on November 12th of 5300, a week later, you purchased on the 19th and the 20th, respectively, 5,000 shares on each day, correct?

9

A. The 15th and the 20th?

10

11

Q. No, on the -- on the 19th and the 20th.

12

A. Okay.

13

14

Q. And that's on 661 and 662, I think.

15

16

A. All right. 651 and 652? I'm sorry.

17

Q. Yes. Yes.

18

19

20

And if you look at your chart also attached as Exhibit 18, it will also show you the transactions.

21

A. All right.

22

23

24

25

Q. So on the -- on the 11th and 12th, you -- on the -- excuse me -- on the -- on the -- on the 11th -- on November 12th, we see a purchase of 5,000,

1 Tauber - Confidential 260
2 and then we also see a sale of 5300.
3 A. On the 11th?
4 Q. No, on -- I'm sorry. We went
5 over the purchases on -- on November 8th.
6 A. Okay.
7 Q. We've gone over those --
8 A. Yeah.
9 Q. -- which was, like, a million 350
10 --
11 A. Okay.
12 Q. -- and approximately 19,000-plus
13 shares.
14 And then we have a sale of 50 --
15 another purchase of 5,000 shares on
16 November 12th, correct?
17 A. 5600 -- excuse me -- 5300, yeah.
18 Q. Yes? On the 12th.
19 A. Right.
20 Q. And then a sale on the 12th of
21 5300.
22 A. Right.
23 Q. So you bought 5300 on the 12th,
24 and then you sold 5300 on the 12th.
25 A. At virtually the same price.

1

Tauber - Confidential

261

2

Q. Yes.

3

MR. BROWER: Are we on 11/12 now?

4

MR. HYLAND: The date 11/12?

5

MR. BROWER: Yeah.

6

MR. HYLAND: Yes.

7

MR. BROWER: Okay. That's not
the same price.

8

Q. Again, so you buy and sell 5300
on the same day.

9

A. That apparently is what happened.

10

Q. And did -- I mean, do you think
you -- you bought and then you sold because
you got cold feet?

11

A. I think that's certainly one --
one possibility.

12

Q. You don't think there was any
news that came down, do you, that would
make you do that?

13

A. I have no recollection of that.

14

Q. Okay. And then after that, you
purchased, on November 19th and 20th,
another 5,000 shares each day for 10,000
shares.

15

A. Right.

1 Tauber - Confidential 262
2 Q. If you look at 672, Exhibit 9.
3 A. Okay.
4 Q. Yeah. You see over on the right,
5 it says -- in three spots there, it says,
6 "Not an execution"?
7 A. Mm-hmm.
8 Q. Yes?
9 A. Yeah.
10 Q. What does that mean? Do you know
11 what that refers to? Was that a canceled
12 order?
13 A. I really don't know.
14 Q. Okay. And if you go to --
15 A. It says, "canceled orders," sir,
16 in the last -- the last phrase in each --
17 in each one.
18 Q. Yes, yes. The bold says, "Not an
19 execution." You're correct. "Canceled
20 orders," right.
21 Do you remember why you would
22 have canceled an order?
23 A. No, sir.
24 Q. Because on December 26, 2007, it
25 looks like you purchased 20,000 shares

1

Tauber - Confidential

263

2

exactly, I think.

3

No, maybe it was more than that.

4

Yeah, 20,000 shares exactly for a

5

1,109,000 shares. And --

6

MR. BROWER: Shares?

7

MR. HYLAND: No, dollars, I'm

8

sorry. 20,000 shares for a purchase

9

price of \$1,109,982.

10

11

12

Q. All right. So, again, sitting here today, do you have any explanation for your trading decision?

13

14

A. Well, it looks like they're both -- December 26th -- just one moment.

15

16

17

It looks like I bought it and sold it almost -- almost immediately, because there's no change at all.

18

19

20

21

Q. It looks -- it looks like you purchased 20,000 shares on the 26th, and then you sold 20,655 shares on the same day, right?

22

23

A. I couldn't tell you the number of shares, sir.

24

Q. Okay.

25

A. But approximately.

1

Tauber - Confidential

264

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Q. That's what -- I mean,

approximately. Because you have -- you have extensive -- from your chart, you have extensive -- your chart indicates a purchase of 19,300 shares, then a separate purchase of 400, then a separate purchase of 300 for a total of 20,000 shares on December 26, 2007, and then sales that appear to add up to slightly more than that.

A. At the same price.

Q. About the same price.

A. Right.

Q. Right. So aside from giving Fidelity commission dollars, what -- what were you doing?

A. I think -- I think the best way to describe it is that I was changing my mind. Now, specifically why I did in that particular fashion, I could not tell you today.

Q. And -- and if you just -- rather than go through it all, if you -- if you just take a look, you know, at your

1

Tauber - Confidential

265

2

3

4

activities in January, it looks like you finished the month of December with some sales on the 27th, correct?

5

A. I'd have to look at that again.

6

7

Q. Okay. Yeah. It's Exhibit 18, if you want to look at that chart.

8

9

A. Yeah. There were some sales on the 27th.

10

11

12

Q. And then you had transactions in January, up to the 16th, and then no transactions until March 4th?

13

A. That's -- that's correct.

14

15

16

Q. And, so, you have -- you're representing buyers from December 20th to -- into March, correct?

17

18

19

A. I thought there was only one buyer; is that correct? And that was December --

20

Q. You're -- you're --

21

22

MR. BROWER: He meant through March.

23

A. Through March.

24

Q. Through March 4th.

25

A. Right, right, okay.

1 Tauber - Confidential 266

2 Q. But the -- the third class period
3 starts on December 20th, correct?

4 A. Right.

5 Q. And all of your activity during
6 that period on and after December 27th
7 consists of selling activity, correct?

8 A. After the 27th, apparently so,
9 yes, sir.

10 Q. All right. And, so, during the
11 buyer class period, where you were
12 representing buyers, you -- you were --
13 again, you were a net seller, correct?

14 MR. BROWER: Object to the form.

15 A. I couldn't -- once again, I
16 couldn't tell you. I haven't -- I haven't
17 tracked that. Or at least I haven't
18 tracked that recently, so I couldn't tell
19 you, sir.

20 Q. Okay. And do you have in mind,
21 as you you sit here today, again -- the
22 same question for the buyer class period --
23 any further enlightenment on your
24 investment thesis during that period other
25 than what you've testified to?

1

Tauber - Confidential

267

2

MR. BROWER: Objection. Go

3

ahead.

4

A. Not really.

5

Q. Okay. I have no further
questions.

7

MR. BROWER: I don't have much.

8

EXAMINATION

9

BY MR. BROWER:

10

Q. Could you go to Tauber Exhibit 8.
That's the certification.

12

Okay. Look at the chart.

13

Mr. Hyland pointed out that none of your
options transactions were listed on this
chart.

16

Do you remember that?

17

A. Yeah.

18

Q. Okay. And that was correct;
they're not listed?

20

A. That was my understanding.

21

Q. Okay. Could you look at
paragraph -- turning over and look at
paragraph 4, and read that into the record.

24

A. "Plaintiff's transactions in
Sigma Designs, Inc. Common stock during the

1

Tauber - Confidential

268

2

class period are attached hereto."

3

Q. Okay. So notwithstanding the date that we've spent a lot of time on today, that was, in fact, the correct types of transactions listed on the attachments?

4

A. Common stock.

5

Q. All right. Okay.

6

Can you go to Exhibit 9. That's the trading records, these trading records.

7

Okay. Were the documents -- let's be clear. Exhibit 9 are confirmation statements or individual confirmation statements?

8

A. Apparently so.

9

Q. Okay. There's a large collection of them it's about.

10

A. Yeah.

11

Q. Were these documents available to you online at the time you contacted counsel and/or prepared the PSLRA certification?

12

A. No. My recollection is that they had to go, what they described, into the back room to get them.

13

1 Tauber - Confidential 269

2 Q. Okay. And do you recall what --
3 what --

4 A. They were archived, but -- but
5 not -- not online.

6 Q. Okay. And were -- and -- and how
7 long do you recall after you contacted --
8 and you've testified you contacted someone
9 at Fidelity to get these Exhibit 9.

10 How long did it take them to --
11 to get these to you after you contacted
12 them about Exhibit 9? And that is, asked
13 them for confirmation statements or
14 something showing actual trade dates.

15 A. I guess I -- I need to know what
16 date these were received.

17 Q. Well, do you recall generally
18 just how long it took Fidelity to comply
19 with this request? Best estimate based on
20 your recollection. If you have no
21 recollection, you have no recollection.

22 A. I know it took some time, some --
23 some weeks, I believe.

24 Q. Okay. All right.

25 Let's look at that trade -- let's

1

Tauber - Confidential

270

2

3

4

look at -- I'm going to use this just for simplicity -- the chart that's attached to Exhibit 18, just for simplicity.

5

6

7

8

Is this the right one? I may have the wrong one. I'm sorry. Where's the one I marked up? This is the one I marked up.

9

Okay. Anyway, all right.

10

11

12

First question: At the end -- at -- the class period, as you know, ends around March 12, 2008.

13

A. Okay.

14

15

Q. We've -- we've covered that today.

16

17

Did you own any Sigma stock before July of 2007?

18

A. Yes.

19

20

21

Q. Do you recall approximately how much -- the documents will speak for themselves.

22

23

But do you recall approximately how much?

24

25

A. I would -- I would guess probably 20 or 30,000 shares.

1

Tauber - Confidential

271

2

Q. Okay. Did you own any Sigma
stock after March 12, 2008?

4

A. Yes.

5

Q. Do you recall about how much?

6

A. You know --

7

Q. Approximately.

8

A. -- I -- I couldn't say.

9

Q. Okay. Do you know or recall
whether shares you purchased before -- of
Sigma -- that you purchased before July of
2007 were at a price more or less than the
prices at which you sold those shares
during the -- any of the three class
periods?

16

A. I think they had all gone up.

17

Q. Okay. So when you sold shares,
for instance, in December of 2007, do you
know whether those were shares you
purchased before the class period at prices
below the prices you received on those
sales, or were those shares you actually
purchased during a class period?

24

A. I mean, that's just -- that's
very difficult to say. I -- I did a lot of

25

1

Tauber - Confidential

272

2

trading, and I know I started out in July with, as I said, probably 20 to 30,000 shares. Over the next several months, I -- I think I may have added 10,000 shares through December.

7

8

Q. Okay. My question -- my -- I guess my question --

9

10

A. I'm not sure if I'm answering your question.

11

12

13

14

15

16

Q. Okay. My question is, is it possible that you were selling pre-class period shares that had a lower basis during the class period rather than selling shares you bought perhaps a week or two before you sold those same shares?

17

A. I see what you're saying.

18

19

20

21

22

23

Yeah, certainly. I mean, I was -- I was aware of -- of -- I had some awareness of when I bought what packages of stock. That was -- that was something that I think Fidelity had on its -- on its online service.

24

25

Q. Okay. So when Mr. Hyland would ask you why did you buy shares on 12/21 and

1

Tauber - Confidential

273

2

then sell those same shares on 12/26, and
3 questions of that type --

4

A. Yeah.

5

6

7

8

9

Q. -- are you sure you were actually
selling the shares you bought on 12/21, or
were you buying shares that you had paid
much less money for before the class period
on 12/26?

10

11

A. The answer to that is I'm not
sure. I don't know.

12

Q. Okay. Fair enough.

13

14

15

Could you look at that chart
that's attached to Exhibit 18. This is
just the transaction --

16

You're on the wrong document.

17

MR. BROWER: Thank you.

18

19

Q. The 11/12 transaction, the wash
transaction --

20

A. Yeah.

21

22

23

24

Q. -- do you know whether that
represented the exercise of an option and
sale of the shares pursuant to the option
or options?

25

A. 11/12?

1

Tauber - Confidential

274

2

Q. Yeah.

3

A. What about it, sir?

4

5

6

Q. Do you know whether the purchase and sale on that day, which you'll see is identical, at identical prices --

7

A. Yeah.

8

9

10

Q. -- which is hard to do, was the exercise and sale of an option simultaneously?

11

A. I couldn't say.

12

13

14

15

16

17

Q. Okay. Would that be what would occur in terms of price if you, in fact, sold options on 5,300 shares of the stock -- I'm sorry -- if you exercised call options of 5,300 shares and ordered them to be immediately sold simultaneously?

18

19

A. I -- I assume that that's --

that's one possibility, yeah.

20

21

22

23

24

25

Q. Okay. By the way, what happens -- you noted before, I believe -- I'm not going to go back to the page number -- the option that Mr. Hyland pointed had an expiration date of July 20th.

A. July 30th, I think it was.

1

Tauber - Confidential

275

2

Q. It was July 30th. Thank you.

3

You're correct.

4

And it was sold on July 2nd --

5

20.

6

A. 20th.

7

Q. Right.

8

9

10

11

What happens if you don't either sell the option at a profit or exercise the option before the expiration date? And that's a call option.

12

13

14

15

16

A. On the expiration date, you can -- you can purchase it at the level that you've -- you've -- you bought it for. So if it's a \$20 option, you can buy that option on that date for \$20.

17

Q. You can buy the stock.

18

A. You can buy the stock for \$20.

19

Q. Okay.

20

21

A. That's -- that's what I meant to say.

22

23

Q. I know. What if the stock was trading at \$18 on that day?

24

A. You can just leave it alone.

25

Q. And what happens to the option?

1

Tauber - Confidential

276

2

A. Then you lost -- you lost the option.

4

Q. Okay. That option goes away.

5

A. The cost, what you paid for the option.

7

Q. Right, is lost.

8

A. Yeah.

9

Q. Okay. Could you take a look at Exhibit 7. That was the redacted retainer agreement. Excuse me.

12

A. Yes, sir.

13

Q. Okay. Could you read the last paragraph on the first page.

15

A. You want me to read it out loud?

16

Q. Yeah.

17

A. "We agree to represent" --

18

Q. Better you than me. Trust me.

19

A. All right. "We agree to represent you and other class members in this litigation on a fully contingent basis. This means that if, and only if, the lawsuit generates a fund and/or benefit for the class, will we seek payment of our fees. The payment of our fees and the

1

Tauber - Confidential

277

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

reimbursement of our expenses in this case

are subject to Court approval. Absent an

order from the Court to the contrary, fees

will be calculated as a percentage of the

gross amount of the fund and/or benefit.

If there is no reason" -- rather -- "if

there is no recovery for the class, this

firm will ordinarily recover no fees. You

will not have to pay any fees or advanced

expenses yourself."

Q. Is that your understanding of

your agreement with your counsel

representing you in the case on behalf of

the class?

A. It is.

Q. Okay. Could you take a look at

the next paragraph on the next page.

A. The very next paragraph?

Q. Yeah.

A. Okay. Do you want me to read it

again, or just read it --

Q. No, read the first paragraph on

top of page 2 to yourself. You don't have

to read it into the record.

1 Tauber - Confidential 278
2 A. All right.
3 Q. Just tell me when you're done.
4 (Pause)
5 A. Okay.
6 Q. Okay. Is that your understanding
7 of your arrangement with your counsel
8 representing you in the class in this
9 action with respect to out-of-pocket
10 expenses?
11 A. Yes.
12 Q. Okay. And you agreed to that at
13 the time you became involved in this
14 litigation?
15 A. Yes, sir.
16 Q. Okay. When was the last time you
17 sat as a superior court judge?
18 A. On November -- last day of
19 November, which, I think it was the 28th,
20 if I'm not mistaken. I'm not sure.
21 Q. Okay. And that would be
22 November 2014.
23 A. Yeah.
24 Q. And are you still, so to speak,
25 on call?

1

Tauber - Confidential

279

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

A. Well, I've been -- I've been in the Caribbean for the last six weeks. So I took my vacation and came back -- basically, I came back early to -- to be here in this proceeding. When I get back to California, I imagine I will be asked to accept another assignment.

Q. Okay. And by "asked to accept another assignment," what -- what does that mean?

A. I'll call -- when I'm ready, I'll call the Administrative Office of the Courts, I'll tell them that I'm interested in an assignment, and they typically will let me know what's available and ask me if I'm interested in working in specific courts.

The other possibility is that there are courts that I've worked for on behalf previously, for example, Marin County. I just spent a year -- almost a year and a half working there. If I contact them, I might just go back to work for them. The downside for that is that

REDACTED

1

Tauber - Confidential

280

2

they would probably want me full time, and
I'm reluctant to do that.

4

Q. Okay. And that would be sitting
full time as a superior court judge in
Marin County, California.

7

A. Yeah.

8

9

10

11

Q. Without disclosing what the terms
of the agreement was, the settlement that
was reached with PG&E, were -- were you
happy with the settlement?

12

A. Oh, yes.

13

[REDACTED]

[REDACTED]

14

[REDACTED]

15

[REDACTED]

16

[REDACTED]

[REDACTED]

17

[REDACTED]

Q. And with respect to the action
regarding payment of fees to you by the
California Bar Association for services
provided, were you happy with the result
or -- and/or settlement that occurred
there?

24

A. It was satisfactory.

25

Q. Okay. Is there any reason you

1

Tauber - Confidential

281

2

could not perform the duties of a class
representative in this action that you know
of?

5

A. I don't believe so.

6

Q. I have no further questions. I'm
done.

8

MR. HYLAND: One question.

9

RE-EXAMINATION

10

BY MR. HYLAND:

11

12

13

14

15

Q. Other than the litigations
that -- or the -- or the disputes that we
identified, which included against the
State Bar of California, the IRS, and the
separate action, were there any others?

16

A. No.

17

18

MR. BROWER: Within the time
period.

19

Q. Within -- within the time period.

20

A. The ten years.

21

22

Q. Ten years from the time the
interrogatory was propounded.

23

A. No, no.

24

Q. Thank you.

25

A. Thank you, sir.

1 Tauber - Confidential

282

2 THE VIDEOGRAPHER: Stand by,
3 please.

4 The time is 5:34 p.m. This is
5 the end of DVD 5 and today's deposition
6 of Jeffrey Tauber. We are off the
7 record.

8 MR. BROWER: The witness will
9 read and sign.

10 (Time noted: 5:35 p.m.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

Tauber - Confidential

283

2

January 22, 2015

3

4

ERRATA

5

6

PAGE/LINE

CHANGE/REASON

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

Tauber - Confidential

284

2

3

4

5

6

7

8

JEFFREY TAUBER

9

10 Subscribed and sworn to
11 before me this day
12 of 2015

13

14

15

16

17

18

19

20

21

22

23

24

25

1

285

2

CERTIFICATE

3

4

STATE OF NEW YORK)

5

) ss.

6

COUNTY OF NASSAU)

7

8 I, Sharon Lengel, a Registered
9 Professional Reporter and Notary Public
10 within and for the State of New York, do
11 hereby certify:

12 That JEFFREY TAUBER, the witness whose
13 deposition is hereinbefore set forth, was
14 duly sworn by me and that such deposition is
15 a true record of the testimony given by such
16 witness.

17 I further certify that I am not
18 related to any of the parties to this action
19 by blood or marriage and that I am in no way
20 interested in the outcome of this matter.

21

22

23

24

SHARON LENGEL, RPR

25

1

286

2

January 22, 2015

3

4

INDEX

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

WITNESS	EXAMINATION BY	PAGE
---------	----------------	------

Jeffrey Tauber	Mr. Hyland	5
	Mr. Brower	267
	Mr. Hyland	281

TAUBER	PAGE
--------	------

1	14	A notice of deposition
2	71	A set of interrogatories
3	71	First amended interrogatories
4	74	Objections and responses to defendants' first amended interrogatories
5	76	A summons and complaint filed February 23, 2006
6	86	A document entitled United States Tax Court Docket Entries
7	113	A draft of a class action complaint
8	115	A document entitled Plaintiff's Certification
9	127	Trading records
10	175	A memorandum of law dated May 15, 2012

1

287

2 January 22, 2015

3

4 INDEX (Continued)

5

6 TAUBER PAGE

7

8 11 175 An affidavit of Mark J.
9 12 182 Hyland

10

11 13 185 A deposition transcript

12

13 14 192 An opinion and order

14

15 15 193 A memorandum dated
16 16 196 August 30, 2013

17

18 17 222 Defendants' reply
19 18 242 memorandum of law dated
20 19 242 September 20, 2013

21

22 16 196 A second amended class
23 17 222 action complaint

24

25 18 242 A third amended class
REQUEST: 242 action complaint

19 REQUEST: 86

\$	261:23, 272:5 100 [5] - 1:9, 28:6, 103:7, 103:13, 124:17 10004 [2] - 1:20, 2:20 10016 [1] - 2:8 11 [17] - 77:17, 148:18, 175:9, 175:10, 175:23, 175:25, 180:9, 185:13, 185:15, 185:21, 186:4, 186:7, 186:9, 195:10, 204:25, 208:2, 287:6 11-cv-09665(JSR [1] - 1:6 11/12 [4] - 261:3, 261:4, 273:18, 273:25 11/8 [2] - 257:19, 257:20 111 [1] - 219:10 112,000 [1] - 218:5 113 [1] - 286:19 114 [1] - 176:21 115 [1] - 286:21 11:02 [1] - 69:22 11:12 [1] - 70:5 11th [3] - 259:22, 259:24, 260:3 12 [13] - 25:10, 29:10, 31:10, 38:7, 38:9, 80:5, 90:18, 182:3, 182:5, 257:20, 270:12, 271:3, 287:7 12/21 [2] - 272:25, 273:6 12/26 [2] - 273:2, 273:9 120 [1] - 221:7 127 [1] - 286:22 12:30 [2] - 126:13, 126:16 12th [11] - 216:19, 237:13, 237:14, 259:5, 259:23, 259:25, 260:16, 260:18, 260:20, 260:23, 260:24 13 [14] - 29:7, 31:10, 38:8, 89:22, 185:6, 195:4, 195:5, 195:7, 196:15, 196:17, 204:12, 204:19, 251:25, 287:8 130 [1] - 94:25 1357 [1] - 42:22 13th [3] - 153:2, 252:3, 253:22 14 [7] - 192:12, 192:14, 192:16, 195:8, 246:19, 286:10, 287:9 15 [9] - 125:15, 156:24, 175:4, 176:9, 193:15, 193:17, 195:8, 286:24, 287:11 156,000 [1] - 218:5 15th [1] - 259:9 16 [12] - 186:5, 186:7, 196:9, 197:5, 203:6, 204:18, 208:8, 218:20, 218:24, 246:19, 246:20, 287:13 16-page [1] - 186:6 16th [6] - 149:14, 150:3,	157:14, 157:21, 159:19, 265:11 17 [4] - 222:13, 222:15, 222:17, 287:14 17,800 [1] - 254:23 170 [1] - 94:22 175 [2] - 286:23, 287:6 18 [10] - 242:23, 243:8, 247:15, 247:17, 256:18, 259:19, 265:6, 270:4, 273:14, 287:16 18,000 [7] - 149:17, 149:18, 150:5, 150:6, 203:7, 245:19, 253:25 182 [1] - 287:7 185 [1] - 287:8 188 [1] - 20:20 19 [3] - 29:13, 43:19, 43:20 19,000 [1] - 256:20 19,000-plus [1] - 260:12 19,300 [1] - 264:6 19,345 [2] - 251:25, 253:23 19,545 [1] - 256:6 192 [1] - 287:9 193 [1] - 287:11 196 [1] - 287:13 1971 [3] - 21:4, 22:4, 22:15 1974 [1] - 23:4 1985 [1] - 25:11 1995 [1] - 29:14 1997 [1] - 28:22 19th [10] - 157:13, 157:16, 157:17, 157:18, 159:19, 182:8, 182:9, 259:6, 259:10, 261:22 1:40 [2] - 127:3, 127:6	38:25, 39:3 2002 [3] - 30:8, 77:17, 104:9 2004 [2] - 53:18, 53:19 2004/2005 [3] - 47:15, 47:17, 84:10 2005 [6] - 53:19, 77:25, 78:16, 101:16, 123:13, 123:14 2006 [11] - 32:21, 55:16, 57:2, 63:13, 76:6, 81:24, 82:25, 142:18, 234:5, 241:3, 286:16 2007 [37] - 10:15, 32:23, 33:13, 40:7, 51:11, 52:4, 93:13, 105:14, 105:24, 106:2, 106:6, 142:22, 146:6, 152:2, 199:12, 202:20, 203:6, 204:12, 204:13, 204:19, 204:20, 204:25, 205:9, 208:2, 234:5, 242:5, 242:6, 249:10, 251:25, 254:13, 256:6, 262:24, 264:9, 270:17, 271:12, 271:18 2007/2008 [4] - 68:23, 69:3, 71:4, 105:7 2008 [17] - 10:23, 32:8, 43:20, 49:21, 51:12, 52:5, 63:13, 92:15, 97:14, 101:13, 105:14, 105:24, 234:5, 236:16, 237:9, 270:12, 271:3 2010 [1] - 89:23 2011 [3] - 32:9, 205:2 2012 [9] - 8:5, 117:4, 122:10, 123:9, 123:15, 175:4, 176:9, 182:11, 286:24 2013 [8] - 192:14, 192:20, 193:7, 193:14, 193:21, 195:5, 287:10, 287:12 2014 [3] - 82:3, 222:23, 278:22 2015 [6] - 1:12, 4:7, 283:2, 284:12, 286:2, 287:2 209 [1] - 20:22 20th [11] - 216:19, 247:11, 251:8, 259:6, 259:9, 259:11, 261:22, 265:15, 266:3, 274:24, 275:6 21 [1] - 204:20 22 [7] - 1:12, 4:7, 82:3, 254:13, 283:2, 286:2, 287:2 222 [1] - 287:14 22nd [2] - 205:8, 257:3 23 [3] - 76:6, 81:24, 286:16 24,845 [1] - 257:17 242 [1] - 287:16 26 [3] - 243:22, 262:24, 264:9 267 [1] - 286:7 26th [2] - 263:14, 263:19
1	2		
1 [9] - 1:9, 4:5, 14:4, 14:6, 14:9, 69:23, 89:8, 186:5, 286:10 1,109,000 [1] - 263:5 10 [24] - 25:10, 80:4, 80:6, 80:24, 82:8, 83:8, 83:13, 87:25, 90:17, 174:25, 175:4, 175:9, 175:10, 175:25, 176:4, 185:13, 191:18, 191:19, 239:3, 241:16, 244:22, 286:23 10,000 [4] - 124:9, 237:18,	2 [21] - 13:11, 69:15, 69:16, 70:6, 71:12, 71:13, 71:14, 71:15, 71:20, 71:25, 75:17, 79:13, 108:16, 117:4, 122:10, 126:15, 238:12, 240:7, 277:24, 286:11 20 [18] - 21:18, 38:9, 51:5, 124:10, 125:15, 135:18, 156:24, 167:24, 180:3, 193:14, 193:21, 205:9, 241:16, 249:10, 270:25, 272:3, 275:5, 287:12 20,000 [7] - 245:20, 252:20, 262:25, 263:4, 263:8, 263:19, 264:8 20,655 [1] - 263:20 20/20 [1] - 48:15 200 [2] - 70:25, 206:25 2000 [5] - 92:15, 123:14, 234:5, 241:4 2001 [5] - 30:8, 34:4, 38:24,		

<p>27 [3] - 204:13, 205:2, 208:2 27th [4] - 265:4, 265:9, 266:6, 266:8 28 [3] - 77:25, 78:16, 182:25 281 [1] - 286:8 28th [1] - 278:19 29 [3] - 182:25, 183:4, 183:5 2nd [1] - 275:4</p>	<p>5</p> <p>5 [7] - 76:7, 76:9, 124:9, 243:4, 282:5, 286:6, 286:16 5,000 [5] - 125:12, 259:7, 259:25, 260:15, 261:23 5,300 [3] - 258:2, 274:14, 274:16 50 [9] - 26:3, 29:9, 30:6, 31:9, 33:25, 51:5, 106:4, 237:18, 260:14 500 [1] - 103:13 504 [1] - 114:6 50s [1] - 34:6 51 [2] - 33:22, 34:3 5300 [9] - 257:23, 258:9, 259:5, 260:2, 260:17, 260:21, 260:23, 260:24, 261:9 548 [2] - 129:14, 129:15 552 [2] - 134:15, 134:20 5600 [1] - 260:17 59 [2] - 208:15, 249:12 5:34 [1] - 282:4 5:35 [1] - 282:10</p>	<p>117:7, 276:10, 286:19 7/16/2007 [1] - 244:12 70 [2] - 25:25, 31:11 70,000 [1] - 245:21 71 [2] - 286:11, 286:12 719 [1] - 147:8 74 [1] - 286:14 75,000 [1] - 106:4 76 [1] - 286:16</p>	<p>absent [1] - 277:3 absolutely [2] - 147:17, 172:6 abuse [1] - 42:18 abused [2] - 153:14, 153:15 accede [1] - 172:4 accept [4] - 150:14, 171:6, 279:8, 279:9 accepted [3] - 24:18, 33:2, 88:16 access [1] - 215:19 accomplish [1] - 250:17 accordingly [1] - 195:19 Accordingly [1] - 196:18 account [54] - 44:20, 44:23, 45:3, 45:13, 45:16, 45:21, 46:8, 46:16, 47:5, 47:14, 49:3, 49:5, 49:15, 50:7, 53:12, 53:17, 54:14, 55:2, 55:4, 60:12, 61:5, 62:21, 64:8, 64:9, 64:18, 64:23, 65:12, 70:16, 71:5, 129:3, 129:7, 129:11, 129:21, 130:2, 130:3, 130:7, 131:3, 131:13, 132:13, 132:19, 132:21, 134:14, 134:17, 135:2, 135:3, 135:4, 141:24, 141:25, 142:2, 144:7, 144:15, 148:23, 150:17, 241:2 accountability [1] - 134:4 accountant [4] - 62:22, 63:7, 63:13, 63:20 accounting [1] - 122:19 accounts [28] - 44:3, 46:3, 46:13, 47:6, 47:9, 48:25, 49:2, 49:13, 49:14, 49:19, 64:20, 65:2, 65:4, 65:9, 65:12, 65:15, 65:17, 65:19, 65:24, 68:24, 69:9, 70:11, 70:12, 70:13, 131:4, 132:18, 133:19, 144:11 accuracy [5] - 61:23, 75:9, 122:18, 164:2, 172:11 accurate [12] - 122:14, 142:12, 145:21, 153:7, 165:10, 166:20, 168:9, 173:15, 180:5, 181:16, 194:6, 214:24 accurately [1] - 159:4 achieve [1] - 209:10 achieved [1] - 209:8 acquainted [1] - 68:19 acquire [1] - 104:8 act [1] - 209:20 acted [1] - 209:3 action [34] - 6:24, 8:23, 8:25, 12:13, 12:22, 51:11, 80:14, 80:17, 80:19, 80:21, 82:24, 87:12, 87:17, 91:7, 113:16, 176:8, 192:19,</p>
<p>3</p> <p>3 [14] - 13:21, 71:12, 71:14, 71:21, 71:23, 72:22, 74:5, 89:22, 100:25, 127:7, 176:11, 180:18, 194:17, 286:12 3,000 [1] - 30:20 30 [10] - 23:13, 125:17, 135:18, 192:13, 192:20, 199:12, 202:20, 212:25, 222:22, 287:10 30,000 [2] - 270:25, 272:3 300 [1] - 264:8 30th [7] - 146:21, 202:23, 222:25, 250:25, 251:7, 274:25, 275:2 33rd [1] - 2:7 35 [1] - 173:18 350 [3] - 257:18, 257:25, 260:9 350's [1] - 258:7 3:07 [1] - 194:16 3:19 [1] - 194:22 3:56 [1] - 222:4</p>	<p>6</p> <p>6 [5] - 86:18, 86:21, 86:23, 254:10, 286:17 60 [2] - 31:11, 33:19 600,000 [1] - 103:11 609 [5] - 142:25, 143:7, 143:8, 143:11 610 [1] - 143:12 611 [1] - 144:4 612 [3] - 246:18, 247:7, 247:8 618 [4] - 251:22, 252:6, 252:10, 252:19 62.84 [1] - 218:5 621 [2] - 252:10, 252:19 626 [2] - 254:7, 254:10 645 [1] - 254:10 646 [4] - 255:24, 256:9, 256:11 650 [2] - 255:24, 256:11 651 [1] - 259:15 652 [1] - 259:15 654 [1] - 257:22 661 [1] - 259:13 662 [1] - 259:13 67 [1] - 33:10 672 [1] - 262:2 68 [2] - 26:12, 236:7</p>	<p>9 [15] - 127:14, 127:16, 127:18, 128:5, 142:15, 239:20, 246:17, 246:21, 251:23, 262:2, 268:9, 268:12, 269:9, 269:12, 286:22 9,000 [16] - 145:10, 146:9, 146:22, 146:23, 146:24, 147:5, 147:7, 147:14, 148:17, 148:18, 199:11, 202:20, 202:22, 244:9, 244:23, 244:24 9665 [1] - 186:4 97 [3] - 218:23, 219:2, 219:9 9:40 [2] - 1:12, 4:6</p>	<p>A</p>
<p>4</p> <p>4 [14] - 74:10, 74:14, 75:11, 79:15, 80:5, 83:14, 88:2, 90:13, 90:17, 91:21, 194:23, 242:18, 267:23, 286:14 40 [3] - 23:2, 26:3, 237:18 40,000 [1] - 245:14 400 [1] - 264:7 401k [13] - 46:10, 64:14, 65:20, 70:14, 71:9, 131:18, 135:11, 135:17, 136:2, 136:13, 137:8, 137:24, 138:2 450 [2] - 103:4, 103:12 475 [1] - 2:7 49.15 [1] - 218:6 4:06 [1] - 222:9 4:33 [1] - 242:17 4:38 [1] - 243:3 4th [2] - 265:12, 265:24</p>	<p>7</p> <p>7 [5] - 113:17, 113:19,</p>	<p>a.m [3] - 1:12, 4:6, 70:5 A.P [1] - 2:9 Abaxis [1] - 231:15 ability [4] - 20:5, 156:18, 233:17, 233:20 able [7] - 7:22, 36:14, 99:16, 128:16, 151:7, 166:21, 209:10 above-market [1] - 177:3 Abraham [1] - 20:23 absence [6] - 29:15, 35:11, 35:17, 35:22, 36:14, 36:20</p>	<p>PIROZZI & HILLMAN 212-213-5858</p>

196:8, 196:13, 197:4, 200:13, 222:14, 222:20, 242:22, 243:12, 278:9, 280:18, 281:3, 281:15, 285:18, 286:19, 287:13, 287:15, 287:17 Action [1] - 22:9 actions [1] - 83:11 active [3] - 44:5, 56:16, 257:12 actively [2] - 21:17, 226:12 activities [1] - 265:2 activity [5] - 207:10, 237:23, 252:9, 266:5, 266:7 acts [4] - 160:23, 208:22, 210:2, 210:20 actual [3] - 198:24, 203:2, 269:14 add [2] - 140:10, 264:10 added [7] - 12:5, 24:23, 50:15, 152:7, 162:8, 272:5 addict [2] - 226:23, 228:17 addicts [1] - 21:13 addition [2] - 188:7, 235:25 additional [1] - 190:16 address [5] - 40:17, 43:12, 104:3, 107:17, 197:6 addressed [1] - 113:24 adequately [1] - 240:12 administer [1] - 3:12 Administrative [3] - 27:24, 34:13, 279:13 administrative [4] - 80:12, 81:11, 91:2, 91:8 admitted [2] - 224:21, 225:12 advanced [1] - 277:10 advantage [3] - 167:19, 210:18, 216:9 adverse [1] - 9:21 adversely [1] - 9:3 advice [3] - 68:4, 107:25, 113:3 affect [4] - 9:19, 20:5, 20:8, 227:7 affected [5] - 9:3, 152:3, 152:4, 153:10, 213:5 affidavit [2] - 175:22, 287:6 AFTERNOON [1] - 127:2 afternoon [2] - 127:11, 127:12 afterwards [1] - 68:18 AG [4] - 131:15, 131:16, 133:3, 134:11 age [3] - 25:25, 31:21, 33:9 agency [4] - 80:12, 81:11, 91:2, 91:8 ago [9] - 7:12, 49:7, 65:13, 83:25, 174:6, 207:22, 233:9, 258:15, 258:16 agree [5] - 83:5, 159:9,	232:16, 276:17, 276:19 agreed [4] - 204:8, 232:17, 232:22, 278:12 AGREED [3] - 3:4, 3:9, 3:13 agreement [19] - 78:25, 85:5, 85:6, 85:7, 85:14, 85:21, 87:21, 90:10, 91:17, 92:8, 92:9, 96:10, 110:9, 113:22, 113:23, 165:9, 276:11, 277:13, 280:9 ahead [15] - 73:2, 83:21, 95:15, 98:19, 110:5, 166:2, 166:4, 166:5, 173:9, 179:15, 209:18, 232:19, 247:2, 267:3 al [1] - 4:10 Alameda [3] - 24:13, 24:14, 24:19 Albany [2] - 40:14, 42:22 alcohol [1] - 29:20 allegation [11] - 8:25, 164:10, 164:18, 166:11, 178:21, 211:2, 211:3, 225:22, 225:25, 226:4, 226:6 allegations [4] - 8:22, 208:12, 226:25, 238:2 allege [2] - 176:25, 210:2 alleged [6] - 9:6, 12:20, 208:22, 208:25, 210:20, 216:21 allegedly [1] - 209:12 alleging [5] - 162:24, 200:14, 209:11, 209:14, 212:18 allowed [2] - 66:13 allowing [1] - 27:21 allows [1] - 67:6 almost [13] - 25:4, 25:7, 43:7, 60:4, 67:13, 90:8, 94:3, 151:4, 246:3, 252:20, 263:16, 279:22 alone [2] - 123:23, 275:24 alternative [2] - 21:12, 29:21 amended [38] - 71:22, 72:6, 74:13, 74:22, 176:7, 189:7, 192:19, 194:3, 195:20, 195:24, 196:5, 196:8, 196:12, 196:19, 197:3, 197:12, 199:11, 200:3, 201:11, 203:11, 204:15, 206:4, 206:9, 206:20, 207:4, 207:5, 208:5, 208:7, 218:14, 222:14, 222:20, 242:22, 243:12, 286:12, 286:15, 287:13, 287:14, 287:16 amount [14] - 62:17, 62:18, 69:5, 93:15, 94:15, 102:25, 104:15, 105:25, 151:20, 154:15, 239:21, 240:2, 256:24, 277:6 amounts [3] - 69:5, 100:3,	150:23 analyses [1] - 253:16 analysis [1] - 171:7 analyst [1] - 149:2 analyzed [1] - 149:9 AND [4] - 1:9, 3:4, 3:9, 3:13 anecdote [1] - 23:7 anniversary [1] - 255:9 Answer [1] - 89:22 answer [43] - 8:11, 11:25, 13:10, 13:18, 13:25, 20:6, 54:3, 72:15, 73:15, 81:12, 81:14, 83:6, 83:21, 85:24, 86:7, 88:12, 90:4, 97:22, 97:24, 98:19, 112:23, 112:24, 124:4, 140:6, 140:8, 148:20, 151:8, 172:15, 172:22, 172:25, 173:5, 173:9, 181:19, 213:25, 214:2, 216:3, 235:7, 239:6, 250:5, 251:18, 258:11, 273:10 answered [8] - 8:10, 75:17, 82:7, 87:14, 87:24, 110:4, 146:17, 192:6 answering [4] - 6:8, 172:16, 232:4, 272:9 answers [7] - 6:11, 72:19, 75:10, 75:20, 77:2, 82:11, 90:14 anyway [2] - 26:7, 270:9 AOC [1] - 34:18 apart [3] - 136:17, 140:22, 149:25 appear [2] - 144:19, 264:10 APPEARANCES [1] - 2:2 appearances [1] - 182:20 appeared [2] - 142:12, 253:17 appearing [1] - 14:17 applied [4] - 23:16, 24:13, 24:17, 111:6 appreciate [1] - 64:24 appropriate [8] - 6:14, 23:7, 81:21, 102:16, 149:5, 149:22, 204:7, 250:10 approval [1] - 277:3 approve [1] - 74:4 approved [1] - 232:11 arbitration [3] - 80:11, 81:10, 90:24 archived [1] - 269:4 area [8] - 17:7, 17:8, 21:11, 23:17, 25:7, 46:23, 91:10, 173:19 arguing [3] - 172:18, 172:22, 210:25 argument [8] - 177:14, 181:18, 182:6, 182:18, 184:5, 184:15, 184:17, 191:6 arrangement [2] - 278:7,	280:13 article [1] - 112:14 articles [3] - 58:16, 66:22, 67:2 articulate [1] - 148:16 aside [6] - 52:20, 64:7, 64:10, 65:2, 65:14, 264:15 assemble [1] - 118:3 assertion [1] - 188:7 assets [4] - 45:16, 68:24, 71:5, 238:12 Assigned [1] - 37:24 assigned [4] - 31:3, 31:19, 31:22, 37:24 assignment [3] - 279:8, 279:10, 279:15 assist [2] - 39:18, 128:6 assisted [1] - 227:2 assisting [1] - 132:6 Association [11] - 30:17, 38:22, 76:18, 76:20, 77:13, 78:10, 79:6, 130:16, 135:8, 135:25, 280:20 association [1] - 32:3 assume [10] - 95:9, 115:6, 127:25, 158:20, 160:20, 161:18, 168:17, 170:16, 187:6, 274:18 assumed [1] - 102:18 assumes [1] - 88:10 assuming [1] - 23:20 attached [4] - 259:19, 268:2, 270:3, 273:14 attaching [1] - 201:15 Attachment [1] - 119:6 attachments [1] - 268:6 attain [1] - 235:13 attempted [3] - 121:8, 121:10, 174:2 attempting [1] - 251:2 attempts [1] - 7:21 attention [20] - 56:4, 72:22, 74:24, 79:12, 80:4, 90:12, 110:18, 134:16, 169:17, 176:4, 176:11, 177:7, 177:8, 180:9, 185:13, 190:11, 190:20, 193:23, 195:3, 195:10 attorney [27] - 24:24, 28:3, 74:2, 87:19, 91:9, 92:12, 92:14, 92:17, 92:18, 93:22, 94:4, 94:8, 95:6, 95:8, 98:24, 112:25, 119:4, 120:5, 120:6, 136:8, 136:11, 164:16, 171:12, 182:22, 189:2, 189:3, 199:6 attorney's [1] - 95:13 attorney-client [1] - 112:25 Attorneys [2] - 2:5, 2:13 attorneys [11] - 5:22, 9:9, 120:13, 120:16, 121:22,
--	---	---	---

<p>121:24, 128:15, 163:11, 165:13, 166:16, 174:20 attributed [1] - 84:5 auction [1] - 161:19 August [16] - 77:17, 149:14, 150:3, 153:3, 157:14, 157:21, 159:19, 192:13, 192:20, 203:6, 204:20, 205:8, 251:25, 252:3, 253:22, 287:10 authority [1] - 133:13 authorized [1] - 3:11 automatically [1] - 230:10 available [8] - 18:14, 31:5, 39:12, 153:8, 155:12, 211:22, 268:19, 279:16 Avenue [9] - 2:7, 40:18, 40:19, 42:22, 43:11, 96:7, 101:4, 101:8, 102:23 aware [31] - 18:3, 18:7, 19:16, 19:19, 19:22, 67:15, 67:17, 82:23, 83:2, 87:22, 93:20, 107:5, 107:21, 109:5, 121:23, 140:20, 165:16, 165:21, 166:9, 177:13, 177:18, 177:21, 177:25, 200:12, 200:19, 209:4, 210:15, 224:20, 225:3, 230:17, 272:19 awareness [1] - 272:20 </p>	<p>Beach [1] - 107:17 became [11] - 24:10, 26:13, 28:24, 29:4, 30:24, 55:22, 68:19, 94:15, 136:5, 204:10, 278:13 become [11] - 27:2, 29:2, 31:2, 58:6, 93:20, 100:10, 215:9, 215:11, 215:13, 215:18, 229:15 becomes [1] - 39:10 began [1] - 56:13 begin [1] - 214:19 beginning [10] - 4:4, 16:9, 35:5, 70:5, 127:7, 147:21, 152:14, 194:23, 237:10, 243:4 begins [1] - 187:18 behalf [6] - 8:22, 33:5, 89:9, 89:18, 277:14, 279:21 behavior [1] - 213:6 bell [1] - 226:23 below [2] - 177:2, 271:21 below-market [1] - 177:2 bench [5] - 29:25, 227:16, 227:20, 227:22, 246:15 beneficial [2] - 130:6, 235:15 benefit [6] - 163:14, 235:11, 251:9, 251:11, 276:23, 277:6 benefitted [2] - 207:9, 232:24 Berkeley [3] - 40:14, 43:9, 96:6 beside [1] - 238:7 best [27] - 6:12, 8:2, 21:15, 38:2, 49:11, 55:20, 57:20, 68:7, 81:17, 82:14, 130:21, 148:7, 148:22, 154:25, 164:18, 192:2, 205:15, 206:15, 216:3, 230:19, 230:21, 254:3, 254:4, 257:15, 258:10, 264:18, 269:19 better [5] - 134:9, 153:9, 167:16, 229:25, 276:18 between [8] - 3:5, 90:10, 103:4, 118:24, 190:22, 205:8, 207:4, 227:19 beyond [3] - 18:12, 179:24, 238:2 bias [1] - 250:13 big [1] - 253:5 bit [6] - 6:22, 29:11, 167:11, 167:12, 232:3 black [1] - 255:7 blacked [1] - 129:3 blank [1] - 121:2 blessed [1] - 30:12 block [2] - 204:24, 217:10 blogs [3] - 57:23, 58:8, 58:9 blood [1] - 285:19 </p>	<p>Bloomberg [1] - 183:18 board [1] - 36:3 body [2] - 138:9, 219:6 bold [1] - 262:18 book [2] - 22:10, 57:15 books [3] - 57:7, 57:10, 57:13 Boston [2] - 21:2, 22:4 bottom [4] - 114:5, 114:10, 117:2, 129:16 box [1] - 77:3 boxes [1] - 77:8 breach [1] - 76:21 break [5] - 69:18, 125:14, 126:9, 194:13, 221:19 Brian [1] - 5:3 BRIAN [1] - 2:10 brief [5] - 80:16, 174:19, 191:20, 192:3, 243:21 briefly [4] - 23:24, 68:17, 68:18, 93:18 bring [2] - 66:14, 79:10 bringing [1] - 177:7 broken [2] - 124:10, 254:20 Brokerage [1] - 129:20 brokerage [2] - 44:2, 129:2 Brooklyn [4] - 20:24, 20:25, 21:19, 21:20 brother [3] - 106:19, 107:8, 107:9 brother-in-law [3] - 106:19, 107:8, 107:9 brought [6] - 12:22, 76:15, 76:19, 169:17, 190:11, 190:19 BROWER [182] - 2:4, 2:9, 4:24, 6:6, 6:21, 8:10, 11:8, 19:6, 26:23, 39:25, 51:19, 53:24, 54:22, 54:25, 58:23, 60:15, 63:16, 64:13, 64:17, 64:20, 64:22, 69:19, 72:9, 72:12, 72:25, 83:15, 83:19, 83:21, 85:20, 86:3, 86:6, 86:14, 88:4, 88:7, 89:10, 89:19, 91:25, 93:3, 95:21, 96:18, 96:23, 97:17, 97:21, 97:25, 98:3, 98:11, 98:16, 98:19, 110:4, 112:22, 113:4, 113:11, 114:22, 115:10, 115:14, 115:19, 116:21, 116:24, 118:23, 123:20, 126:8, 129:16, 134:19, 136:25, 137:4, 137:12, 138:11, 138:14, 138:17, 138:20, 138:23, 139:2, 139:6, 139:11, 139:16, 139:20, 140:2, 140:5, 141:17, 143:5, 143:9, 144:24, 146:13, 146:15, 146:17, 157:16, 165:25, 166:5, 170:25, 171:3, 172:2, 172:18, 172:21, 173:4, 173:8, 174:25, 175:6, 175:12, 175:16, 175:21, 176:2, 178:9, 178:14, 178:17, 178:18, 179:14, 180:10, 180:12, 181:17, 181:23, 182:6, 182:25, 183:13, 184:14, 184:21, 185:17, 185:24, 186:1, 186:8, 186:15, 186:22, 187:16, 187:23, 188:1, 188:8, 188:15, 188:22, 189:1, 189:8, 189:15, 189:22, 190:1, 190:8, 190:15, 190:22, 191:1, 191:8, 191:15, 191:22, 192:1, 192:8, 192:15, 192:22, 193:1, 193:8, 193:15, 193:22, 194:1, 194:8, 194:15, 194:22, 195:1, 195:8, 195:15, 195:22, 196:1, 196:8, 196:15, 196:22, 197:1, 197:8, 197:15, 197:22, 198:1, 198:8, 198:15, 198:22, 199:1, 199:8, 199:15, 199:22, 200:1, 200:8, 200:15, 200:22, 201:1, 201:8, 201:15, 201:22, 202:1, 202:8, 202:15, 202:22, 203:1, 203:8, 203:15, 203:22, 204:1, 204:8, 204:15, 204:22, 205:1, 205:8, 205:15, 205:22, 206:1, 206:8, 206:15, 206:22, 207:1, 207:8, 207:15, 207:22, 208:1, 208:8, 208:15, 208:22, 209:1, 209:8, 209:15, 209:22, 210:1, 210:8, 210:15, 210:22, 211:1, 211:8, 211:15, 211:22, 212:1, 212:8, 212:15, 212:22, 213:1, 213:8, 213:15, 213:22, 214:1, 214:8, 214:15, 214:22, 215:1, 215:8, 215:15, 215:22, 216:1, 216:8, 216:15, 216:22, 217:1, 217:8, 217:15, 217:22, 218:1, 218:8, 218:15, 218:22, 219:1, 219:8, 219:15, 219:22, 220:1, 220:8, 220:15, 220:22, 221:1, 221:8, 221:15, 221:22, 222:1, 222:8, 222:15, 222:22, 223:1, 223:8, 223:15, 223:22, 224:1, 224:8, 224:15, 224:22, 225:1, 225:8, 225:15, 225:22, 226:1, 226:8, 226:15, 226:22, 227:1, 227:8, 227:15, 227:22, 228:1, 228:8, 228:15, 228:22, 229:1, 229:8, 229:15, 229:22, 230:1, 230:8, 230:15, 230:22, 231:1, 231:8, 231:15, 231:22, 232:1, 232:8, 232:15, 232:22, 233:1, 233:8, 233:15, 233:22, 234:1, 234:8, 234:15, 234:22, 235:1, 235:8, 235:15, 235:22, 236:1, 236:8, 236:15, 236:22, 237:1, 237:8, 237:15, 237:22, 238:1, 238:8, 238:15, 238:22, 239:1, 239:8, 239:15, 239:22, 240:1, 240:8, 240:15, 240:22, 241:1, 241:8, 241:15, 241:22, 242:1, 242:8, 242:15, 242:22, 243:1, 243:8, 243:15, 243:22, 244:1, 244:8, 244:15, 244:22, 245:1, 245:8, 245:15, 245:22, 246:1, 246:8, 246:15, 246:22, 247:1, 247:8, 247:15, 247:22, 248:1, 248:8, 248:15, 248:22, 249:1, 249:8, 249:15, 249:22, 250:1, 250:8, 250:15, 250:22, 251:1, 251:8, 251:15, 251:22, 252:1, 252:8, 252:15, 252:22, 253:1, 253:8, 253:15, 253:22, 254:1, 254:8, 254:15, 254:22, 255:1, 255:8, 255:15, 255:22, 256:1, 256:8, 256:15, 256:22, 257:1, 257:8, 257:15, 257:22, 258:1, 258:8, 258:15, 258:22, 259:1, 259:8, 259:15, 259:22, 260:1, 260:8, 260:15, 260:22, 261:1, 261:8, 261:15, 261:22, 262:1, 262:8, 262:15, 262:22, 263:1, 263:8, 263:15, 263:22, 264:1, 264:8, 264:15, 264:22, 265:1, 265:8, 265:15, 265:22, 266:1, 266:8, 266:15, 266:22, 267:1, 267:8, 267:15, 267:22, 268:1, 268:8, 268:15, 268:22, 269:1, 269:8, 269:15, 269:22, 270:1, 270:8, 270:15, 270:22, 271:1, 271:8, 271:15, 271:22, 272:1, 272:8, 272:15, 272:22, 273:1, 273:8, 273:15, 273:22, 274:1, 274:8, 274:15</p>
---	---	--

165:3, 234:20, 235:3, 235:5, 253:23, 257:25, 273:7 buys [1] - 220:9 BY [11] - 2:9, 2:21, 5:13, 70:8, 127:10, 195:2, 222:12, 243:7, 267:9, 281:10, 286:5	28:12, 28:14, 28:15, 28:16 caused [3] - 77:11, 245:20, 253:10 celebration [1] - 255:8 center [1] - 22:8 Center [1] - 22:9 certain [15] - 57:24, 109:11, 110:10, 123:5, 128:9, 138:9, 141:16, 168:22, 169:16, 204:2, 212:13, 228:15, 228:16, 249:21 certainly [29] - 16:11, 17:8, 22:13, 51:4, 58:7, 78:20, 123:3, 124:15, 154:24, 161:24, 162:18, 162:20, 167:9, 181:21, 207:7, 209:3, 209:22, 211:25, 213:5, 215:2, 227:18, 227:21, 229:16, 235:12, 236:12, 238:3, 259:3, 261:15, 272:18 CERTIFICATE [1] - 285:2 Certification [3] - 115:22, 115:25, 286:21 certification [11] - 116:10, 119:7, 176:19, 177:8, 189:24, 196:25, 199:24, 200:5, 200:6, 267:11, 268:22 certified [4] - 142:13, 170:9, 179:18, 194:6 certify [3] - 122:15, 285:11, 285:17 chair [1] - 37:4 chairman [1] - 36:3 challenging [1] - 246:5 chambers [1] - 36:7 chance [1] - 229:25 change [6] - 16:23, 201:17, 203:12, 203:21, 204:7, 263:17 CHANGE/REASON [1] - 283:6 changed [7] - 26:5, 32:3, 133:18, 154:19, 154:20, 203:16, 203:23 changes [1] - 116:18 changing [1] - 264:19 character [1] - 228:20 characterization [1] - 200:25 charge [1] - 228:19 charged [3] - 42:11, 42:14, 228:17 chart [37] - 119:21, 119:22, 119:24, 120:3, 120:24, 121:18, 121:25, 122:3, 122:6, 122:14, 122:22, 128:7, 141:11, 141:19, 144:14, 144:22, 145:6, 157:12, 180:17, 180:22, 190:9, 198:12, 199:5, 201:15, 219:17, 221:9,	247:21, 248:9, 256:18, 259:18, 264:4, 264:5, 265:7, 267:12, 267:15, 270:3, 273:13 chat [3] - 58:10, 58:11, 66:6 chatter [1] - 66:19 check [7] - 61:19, 77:3, 77:8, 133:7, 163:25, 190:7, 198:15 checked [2] - 178:23, 198:22 chief [2] - 29:14, 35:18 children [1] - 42:2 choice [1] - 150:24 choose [2] - 87:16, 88:5 chose [1] - 30:2 chronology [1] - 24:6 circumstances [2] - 16:24, 209:24 civic [1] - 186:4 civil [6] - 17:7, 25:6, 28:12, 28:14, 28:16, 32:2 claim [3] - 153:5, 163:19, 213:19 claims [1] - 28:13 Clara [2] - 23:19, 24:11 Clark [1] - 7:3 class [116] - 5:2, 8:23, 9:3, 10:8, 10:10, 10:11, 11:2, 11:3, 11:15, 11:18, 11:21, 12:6, 50:9, 51:10, 51:22, 52:12, 62:11, 80:9, 81:9, 90:23, 98:14, 107:4, 113:10, 113:16, 117:20, 118:6, 141:13, 145:10, 152:8, 152:23, 153:2, 153:14, 154:9, 157:25, 158:25, 159:15, 159:24, 160:3, 160:18, 161:14, 162:3, 162:6, 162:15, 164:11, 165:18, 166:12, 167:22, 176:8, 192:19, 196:8, 196:13, 197:3, 200:13, 203:12, 203:16, 203:20, 204:12, 205:5, 205:16, 206:4, 207:25, 208:13, 208:23, 210:6, 210:14, 212:19, 214:4, 214:11, 214:13, 216:11, 218:15, 219:19, 220:2, 220:14, 220:20, 220:22, 222:14, 222:20, 234:19, 235:20, 236:14, 237:7, 237:8, 237:21, 239:13, 240:15, 242:22, 243:12, 244:19, 244:20, 245:12, 248:22, 248:25, 249:5, 266:2, 266:11, 266:22, 268:2, 270:11, 271:14, 271:20, 271:23, 272:12, 272:14, 273:8, 276:20, 276:24,	277:8, 277:15, 278:8, 281:2, 286:19, 287:13, 287:14, 287:17 classes [5] - 9:4, 9:22, 9:23, 12:23, 12:25 clawed [1] - 224:5 clawing [1] - 223:11 clear [5] - 8:3, 36:8, 53:14, 152:15, 268:12 clearer [1] - 216:23 clearly [3] - 86:11, 86:12, 161:9 client [8] - 112:25, 153:15, 160:12, 163:6, 163:13, 190:19, 232:7 climb [2] - 23:8, 23:9 climbed [1] - 147:24 clip [3] - 175:13, 175:14, 175:17 close [4] - 124:17, 150:10, 176:16, 207:2 closed [2] - 49:6, 183:13 closely [1] - 67:3 closer [2] - 31:11, 240:7 Coast [2] - 37:14, 37:15 cold [4] - 245:17, 254:6, 255:12, 261:14 collar [1] - 171:11 colleagues [1] - 37:2 collecting [1] - 257:14 collection [1] - 268:16 College [3] - 20:25, 21:19, 21:20 college [4] - 21:7, 21:8, 21:10, 21:24 colloquy [1] - 183:7 column [1] - 244:8 columns [2] - 119:11, 145:20 comer [1] - 66:25 coming [2] - 141:8, 258:21 commendation [1] - 33:3 comment [4] - 17:20, 197:16, 223:5, 223:21 comments [6] - 197:19, 197:21, 223:7, 223:13, 223:24, 224:3 commission [1] - 264:16 commissioner [2] - 25:12, 92:25 Commissioner [2] - 87:5, 87:9 common [2] - 267:25, 268:7 communicate [2] - 15:9, 94:6 communicated [1] - 94:3 community [1] - 161:24 commute [1] - 24:16 companies [15] - 22:13, 50:25, 52:17, 52:19, 52:20,
---	--	--	---

52:25, 53:8, 53:22, 54:8, 54:11, 55:6, 66:13, 67:18, 68:10, 149:9 Company [2] - 84:19, 131:14 company [18] - 22:14, 52:16, 54:6, 58:15, 66:16, 67:11, 68:12, 84:7, 125:9, 135:20, 137:6, 155:9, 156:10, 216:8, 217:20, 217:23, 241:11 compare [3] - 170:23, 198:20, 200:6 compared [4] - 198:6, 198:10, 198:21, 238:8 comparison [2] - 198:5, 198:12 competent [2] - 92:22, 173:21 competently [1] - 134:7 competition [2] - 67:16, 67:19 compilation [1] - 128:6 complainant [1] - 92:5 complaining [2] - 200:18, 203:13 complaint [66] - 76:5, 78:10, 81:22, 91:24, 92:3, 92:4, 113:17, 124:7, 163:9, 163:24, 164:11, 165:4, 176:8, 178:6, 189:7, 191:21, 192:20, 194:3, 195:24, 196:5, 196:9, 196:13, 197:4, 197:13, 197:24, 199:11, 200:3, 200:14, 201:11, 201:18, 203:12, 204:16, 205:18, 206:5, 206:10, 206:20, 206:25, 207:5, 208:6, 208:7, 217:17, 218:14, 218:23, 219:2, 219:6, 221:7, 222:15, 222:21, 223:3, 223:14, 224:15, 224:18, 224:25, 230:22, 230:24, 237:25, 242:23, 243:13, 248:18, 286:16, 286:20, 287:13, 287:15, 287:17 complaints [2] - 205:21, 223:20 complete [1] - 128:16 completed [3] - 120:25, 121:4, 199:6 completely [1] - 246:2 completing [1] - 258:8 completion [1] - 73:25 comply [1] - 269:18 compulsion [1] - 85:22 compute [1] - 62:3 computer [1] - 60:7 computers [1] - 67:9 computing [1] - 64:2	conceivable [1] - 141:4 concept [3] - 31:5, 37:6, 169:2 concepts [1] - 169:5 concerning [6] - 94:19, 117:15, 118:4, 181:15, 189:15, 189:16 conclude [1] - 164:22 concludes [1] - 228:24 conclusion [1] - 213:21 Coney [1] - 20:20 conference [3] - 70:2, 70:18, 149:6 conferences [1] - 68:9 CONFIDENTIAL [1] - 1:15 confidential [1] - 95:23 confidentiality [2] - 85:8, 85:10 confirmation [4] - 61:3, 268:12, 268:13, 269:13 confirmations [2] - 125:21, 126:4 confirming [1] - 60:24 confluence [1] - 204:3 confusion [2] - 123:3, 167:8 connection [1] - 152:11 consider [9] - 26:9, 79:4, 91:22, 228:10, 228:15, 229:7, 230:9, 232:14, 233:16 consideration [1] - 85:24 consist [1] - 141:23 consistent [4] - 58:17, 235:4, 245:13 consists [1] - 266:7 constituted [1] - 217:14 constitutional [3] - 29:24, 32:14, 34:9 consult [2] - 17:12, 57:4 consultant [1] - 241:24 consultation [2] - 74:2, 75:20 consultations [1] - 120:22 consulted [2] - 73:24, 133:10 contact [4] - 7:22, 15:25, 17:3, 279:24 contacted [9] - 16:18, 95:11, 112:13, 118:8, 190:14, 268:20, 269:7, 269:8, 269:11 contacts [1] - 227:3 contain [1] - 114:3 contained [1] - 61:24 contemplation [1] - 113:6 contemporaneous [1] - 221:10 contemporaries [1] - 36:24 contend [5] - 94:18, 213:16, 215:12, 217:14, 237:20	contention [2] - 155:17, 162:12 context [2] - 148:21, 188:6 contingent [1] - 276:21 continue [3] - 23:21, 30:3, 217:8 CONTINUED [5] - 70:7, 127:9, 194:25, 222:11, 243:6 contract [1] - 76:21 contrary [1] - 277:4 controlled [1] - 44:17 controlling [1] - 27:25 controls [1] - 18:15 conversation [2] - 56:14, 223:8 conversations [4] - 16:10, 56:15, 118:24, 230:18 conveyed [1] - 223:25 convicted [1] - 42:5 cooperate [1] - 229:20 cooperating [2] - 229:24, 230:13 cooperation [1] - 230:14 cooperative [1] - 230:8 cooperators [1] - 229:15 plaintiff [2] - 7:18, 8:13 copy [8] - 71:16, 85:19, 89:17, 90:3, 120:12, 120:13, 200:22 Corporation [1] - 9:12 corporations [1] - 232:23 correct [182] - 10:24, 11:4, 11:9, 11:16, 11:17, 12:24, 21:21, 22:2, 27:15, 39:22, 45:13, 45:17, 45:18, 45:22, 50:12, 60:9, 60:18, 60:19, 62:11, 73:19, 75:13, 75:18, 75:22, 76:2, 76:22, 78:7, 78:11, 80:25, 81:12, 81:13, 81:24, 82:3, 82:8, 82:9, 82:12, 82:13, 84:14, 88:23, 88:24, 89:2, 89:3, 89:9, 89:20, 93:8, 93:15, 93:16, 93:18, 99:25, 100:5, 105:7, 108:21, 113:14, 114:2, 114:4, 117:3, 117:5, 117:16, 117:17, 117:21, 117:22, 117:24, 117:25, 121:12, 122:16, 123:11, 123:19, 123:24, 124:24, 125:23, 126:2, 126:5, 130:4, 131:9, 133:23, 133:24, 137:15, 137:22, 141:14, 141:21, 141:22, 144:17, 145:11, 145:12, 145:15, 146:23, 150:11, 152:6, 158:6, 158:17, 167:25, 168:9, 169:3, 169:22, 170:11, 170:12, 170:15, 173:17, 177:11, 177:12, 178:16, 178:23, 179:20, 181:3, 257:18 court [40] - 4:15, 5:7, 26:25, 27:14, 27:17, 27:22, 28:11, 28:17, 28:22, 28:24, 28:25,	183:24, 184:12, 184:15, 184:23, 186:23, 188:23, 189:10, 190:9, 190:13, 191:8, 191:14, 194:11, 194:12, 196:2, 196:15, 196:25, 197:9, 199:12, 199:16, 199:18, 202:17, 202:23, 204:14, 204:20, 204:21, 205:2, 205:3, 205:5, 206:5, 211:4, 211:13, 211:17, 212:7, 214:5, 214:9, 215:20, 216:12, 218:17, 220:7, 220:10, 220:15, 220:16, 220:18, 220:19, 220:23, 220:24, 221:4, 227:25, 229:4, 229:10, 229:15, 229:21, 230:15, 231:22, 232:12, 232:13, 234:21, 235:18, 235:22, 236:16, 245:3, 249:13, 250:3, 252:2, 252:12, 254:24, 259:8, 260:16, 262:19, 265:4, 265:13, 265:16, 265:18, 266:3, 266:7, 266:13, 267:18, 268:5, 275:3 corrected [2] - 167:25, 190:17 correction [1] - 179:11 cost [2] - 235:10, 276:5 Council [1] - 22:12 counsel [34] - 3:5, 4:19, 8:14, 73:13, 75:16, 75:20, 88:21, 88:25, 113:7, 118:25, 120:19, 120:25, 121:3, 121:11, 142:11, 171:6, 173:21, 177:22, 179:6, 179:13, 188:9, 188:17, 190:11, 190:19, 204:5, 205:23, 217:17, 223:23, 224:19, 227:12, 232:5, 268:21, 277:13, 278:7 Counsel [2] - 172:17, 227:21 counties [1] - 38:9 countries [1] - 23:2 country [1] - 183:11 county [2] - 27:23 County [10] - 23:19, 24:11, 24:13, 24:15, 24:19, 31:24, 84:17, 104:3, 279:22, 280:6 COUNTY [1] - 285:6 county-by-county [1] - 27:23 couple [2] - 242:12, 258:5 course [11] - 15:4, 28:14, 83:7, 83:10, 95:4, 151:11, 211:9, 229:22, 240:2, 241:8, 257:18 court [40] - 4:15, 5:7, 26:25, 27:14, 27:17, 27:22, 28:11, 28:17, 28:22, 28:24, 28:25,
---	--	--	--

29:3, 29:4, 29:6, 29:7, 30:25, 31:8, 31:13, 31:15, 31:16, 34:18, 35:8, 39:12, 76:16, 80:15, 84:15, 87:12, 87:23, 88:14, 88:18, 90:11, 184:3, 219:21, 229:17, 230:6, 230:7, 246:6, 278:17, 280:5 Court [25] - 15:17, 18:15, 30:17, 32:6, 34:13, 38:23, 85:22, 86:20, 87:2, 130:16, 135:9, 135:25, 170:9, 170:18, 176:20, 179:6, 183:8, 189:25, 202:22, 230:9, 277:3, 277:4, 286:18 COURT [1] - 1:2 Court's [3] - 169:17, 177:7, 196:14 courtroom [2] - 36:6 courtrooms [1] - 38:9 courts [10] - 27:21, 30:7, 30:19, 30:20, 32:4, 37:7, 39:13, 279:18, 279:20 Courts [2] - 27:24, 279:14 covered [3] - 176:14, 232:7, 270:14 Cragmont [5] - 43:10, 96:7, 101:4, 101:8, 102:23 create [1] - 35:6 created [4] - 116:13, 154:7, 156:20, 217:2 creating [3] - 66:12, 156:12, 156:19 credibility [3] - 209:21, 227:8, 227:24 credit [3] - 100:12, 100:14, 100:17 crime [2] - 42:5, 42:9 criminal [9] - 23:5, 23:14, 24:9, 25:4, 25:7, 28:11, 29:19, 31:25, 35:3 curious [1] - 17:9 current [2] - 42:21, 104:24	172:10, 174:3, 179:11, 179:12, 196:23, 197:7, 203:2, 203:8, 244:12, 244:16, 247:10, 251:7, 261:4, 268:4, 269:16, 274:24, 275:10, 275:12, 275:16 dated [10] - 77:17, 77:25, 82:2, 117:4, 175:3, 192:13, 193:14, 286:23, 287:9, 287:11 dates [25] - 10:18, 20:15, 121:6, 123:2, 145:19, 145:20, 167:15, 167:17, 167:20, 167:23, 167:24, 168:12, 169:18, 173:17, 181:2, 181:16, 201:22, 201:23, 202:2, 203:24, 204:8, 205:21, 208:17, 208:20, 269:14, 270:11, 271:14, 271:16	149:12, 150:25, 153:9, 234:4, 238:3, 258:13 declaration [1] - 180:10 declare [1] - 82:11 declares [1] - 116:11 Defendant [1] - 4:23 defendant [7] - 84:18, 170:22, 229:19, 229:24, 230:13, 231:17, 232:22 Defendants [4] - 1:10, 72:3, 74:19, 176:5 defendants [28] - 1:18, 2:13, 4:23, 5:6, 17:17, 19:5, 19:13, 73:18, 73:23, 169:16, 170:4, 170:15, 170:18, 171:25, 172:7, 172:9, 173:23, 173:25, 177:6, 178:20, 180:2, 180:24, 191:5, 207:9, 207:17, 223:12, 229:14, 231:18 Defendants' [4] - 192:16, 193:13, 243:10, 287:11 defendants' [10] - 73:9, 74:13, 79:21, 177:16, 178:5, 181:14, 188:7, 191:13, 191:20, 286:14 defender [4] - 23:11, 24:11, 24:18, 136:7 defense [1] - 28:3 Defense [1] - 22:11 defer [1] - 232:5 deficient [1] - 93:25 definitely [1] - 180:16 definition [1] - 88:9 definitive [1] - 216:3 deleterious [3] - 160:12, 160:18, 163:17 delighted [1] - 20:19 delivered [1] - 119:24 Democratic [1] - 22:9 denied [2] - 211:9, 213:11 denies [1] - 216:9 depleted [1] - 49:15 deposition [16] - 1:17, 3:10, 3:15, 4:8, 4:11, 8:9, 14:5, 14:18, 14:22, 174:16, 182:2, 282:5, 285:13, 285:14, 286:10, 287:7 depositions [3] - 19:17, 19:23, 174:8 derive [1] - 135:4 describe [11] - 9:23, 20:17, 49:11, 58:19, 78:9, 163:3, 207:3, 208:11, 221:8, 254:4, 264:19 described [3] - 147:23, 219:5, 268:24 describing [1] - 154:12 description [5] - 45:7, 80:17, 80:20, 154:5, 154:11 designate [1] - 144:15	designated [2] - 7:14, 144:19 designating [1] - 95:22 designation [1] - 29:5 Designs [2] - 244:3, 267:25 desire [1] - 233:23 detail [1] - 24:3 detainers [1] - 28:15 determinations [1] - 227:14 determined [1] - 152:15 determining [2] - 231:25, 232:15 detriment [1] - 10:10 detrimental [3] - 217:5, 218:7 device [5] - 66:17, 67:6, 67:14 devices [2] - 53:7, 67:8 diem [6] - 38:15, 39:5, 39:20, 39:23, 105:8, 105:16 dies [1] - 39:11 differ [2] - 47:4, 206:19 difference [7] - 168:13, 169:14, 174:7, 174:14, 190:24, 206:24, 227:19 differences [1] - 207:4 different [17] - 50:24, 50:25, 52:8, 53:22, 67:6, 102:8, 128:20, 128:22, 161:14, 162:13, 162:21, 169:21, 173:19, 201:13, 203:24, 241:10 differently [2] - 124:5, 209:4 difficult [8] - 20:16, 48:20, 207:23, 234:25, 245:25, 246:12, 258:16, 271:25 digital [1] - 66:14 diligent [3] - 48:17, 154:24, 257:14 diminished [1] - 49:9 dipped [1] - 255:15 direct [15] - 72:22, 74:24, 79:12, 80:3, 90:12, 112:22, 142:20, 176:3, 176:10, 180:8, 182:15, 185:12, 193:23, 195:3, 195:9 directing [5] - 97:21, 97:23, 112:24, 134:16, 188:3 direction [1] - 139:18 directly [8] - 21:24, 93:23, 94:6, 95:12, 98:7, 131:9, 131:10, 207:10 disabilities [1] - 21:13 disagree [2] - 160:9, 162:7 disappear [1] - 233:25 disbelieve [1] - 164:5 disclose [6] - 87:16, 88:5, 91:23, 118:24, 221:12, 221:15 disclosed [3] - 83:6, 83:12,
D			
D.C [2] - 30:3, 33:4 damage [1] - 84:4 damaged [1] - 153:6 damning [1] - 84:6 data [10] - 67:8, 142:9, 142:11, 181:22, 190:16, 194:5, 205:18, 205:19, 205:20, 212:13 date [46] - 4:6, 117:19, 119:13, 119:16, 123:6, 123:7, 126:5, 131:25, 145:14, 147:9, 147:10, 147:12, 157:13, 168:8, 168:15, 168:18, 168:21, 169:3, 169:6, 169:10, 170:11, 171:14, 171:16,	263:14, 264:9, 265:3, 265:15, 265:19, 266:3, 266:6, 271:18, 272:6 decide [2] - 124:24, 125:4 decided [7] - 23:14, 26:9, 110:20, 132:15, 190:7, 249:4, 257:12 deciding [1] - 15:18 decision [12] - 45:20, 59:10, 79:9, 133:13, 184:25, 185:2, 185:8, 185:25, 186:23, 187:7, 195:23, 263:12 decisions [14] - 17:13, 45:15, 54:17, 59:4, 132:9, 133:4, 133:23, 134:5, 170:11, 171:14, 171:16	145:12, 150:25, 153:9, 234:4, 238:3, 258:13 declaration [1] - 180:10 declare [1] - 82:11 declares [1] - 116:11 Defendant [1] - 4:23 defendant [7] - 84:18, 170:22, 229:19, 229:24, 230:13, 231:17, 232:22 Defendants [4] - 1:10, 72:3, 74:19, 176:5 defendants [28] - 1:18, 2:13, 4:23, 5:6, 17:17, 19:5, 19:13, 73:18, 73:23, 169:16, 170:4, 170:15, 170:18, 171:25, 172:7, 172:9, 173:23, 173:25, 177:6, 178:20, 180:2, 180:24, 191:5, 207:9, 207:17, 223:12, 229:14, 231:18 Defendants' [4] - 192:16, 193:13, 243:10, 287:11 defendants' [10] - 73:9, 74:13, 79:21, 177:16, 178:5, 181:14, 188:7, 191:13, 191:20, 286:14 defender [4] - 23:11, 24:11, 24:18, 136:7 defense [1] - 28:3 Defense [1] - 22:11 defer [1] - 232:5 deficient [1] - 93:25 definitely [1] - 180:16 definition [1] - 88:9 definitive [1] - 216:3 deleterious [3] - 160:12, 160:18, 163:17 delighted [1] - 20:19 delivered [1] - 119:24 Democratic [1] - 22:9 denied [2] - 211:9, 213:11 denies [1] - 216:9 depleted [1] - 49:15 deposition [16] - 1:17, 3:10, 3:15, 4:8, 4:11, 8:9, 14:5, 14:18, 14:22, 174:16, 182:2, 282:5, 285:13, 285:14, 286:10, 287:7 depositions [3] - 19:17, 19:23, 174:8 derive [1] - 135:4 describe [11] - 9:23, 20:17, 49:11, 58:19, 78:9, 163:3, 207:3, 208:11, 221:8, 254:4, 264:19 described [3] - 147:23, 219:5, 268:24 describing [1] - 154:12 description [5] - 45:7, 80:17, 80:20, 154:5, 154:11 designate [1] - 144:15	designated [2] - 7:14, 144:19 designating [1] - 95:22 designation [1] - 29:5 Designs [2] - 244:3, 267:25 desire [1] - 233:23 detail [1] - 24:3 detainers [1] - 28:15 determinations [1] - 227:14 determined [1] - 152:15 determining [2] - 231:25, 232:15 detriment [1] - 10:10 detrimental [3] - 217:5, 218:7 device [5] - 66:17, 67:6, 67:14 devices [2] - 53:7, 67:8 diem [6] - 38:15, 39:5, 39:20, 39:23, 105:8, 105

85:11	206:21, 208:3, 223:22, 225:20, 230:23, 231:4, 236:6, 273:16, 286:17, 286:21	207:16	effort [1] - 184:18
disclosing [1] - 280:8	documents [25] - 9:8, 16:8, 17:4, 17:6, 17:16, 18:17, 18:19, 63:7, 73:10, 73:25, 89:10, 118:18, 121:14, 128:10, 136:18, 164:5, 165:5, 175:6, 175:13, 198:24, 225:23, 226:9, 268:11, 268:19, 270:20	Druker's [5] - 72:4, 74:20, 176:6, 192:17, 243:11	eight [5] - 26:7, 26:8, 82:18, 123:11, 258:15
discovered [3] - 203:24, 205:22, 207:12	due [2] - 100:10, 179:8	due [2] - 5:10, 285:14	eight-month [1] - 26:8
discovery [6] - 18:4, 18:8, 18:12, 204:6, 207:8, 223:10	during [85] - 10:2, 11:5, 11:12, 11:14, 11:18, 11:21, 12:6, 12:16, 12:17, 12:18, 13:4, 13:24, 18:7, 31:12, 41:10, 44:12, 44:14, 48:9, 50:9, 50:11, 50:22, 51:14, 51:22, 52:12, 62:10, 67:22, 67:25, 68:17, 80:7, 81:7, 90:21, 105:6, 117:20, 118:6, 123:17, 141:13, 145:9, 148:10, 151:23, 152:23, 156:3, 156:5, 156:6, 156:9, 157:25, 158:5, 158:21, 158:25, 159:3, 159:15, 160:8, 160:17, 161:11, 161:14, 162:3, 162:15, 165:18, 166:12, 200:16, 208:23, 210:6, 212:6, 214:3, 216:15, 216:22, 219:17, 220:14, 234:18, 234:19, 235:20, 238:10, 239:13, 244:18, 266:5, 266:10, 266:24, 267:25, 271:14, 271:23, 272:13	duly [2] - 5:10, 285:14	either [8] - 15:21, 29:24, 34:14, 68:4, 80:8, 90:22, 213:13, 275:8
discrepancies [1] - 180:24	dollars [11] - 49:8, 65:11, 108:14, 154:16, 155:15, 233:10, 233:11, 238:16, 239:5, 263:7, 264:16	eliminated [1] - 28:23	elected [3] - 27:5, 27:12, 29:13
discrepancy [5] - 179:7, 184:20, 189:23, 190:22, 196:23	dollars' [1] - 258:6	Ellis [2] - 24:22	election [2] - 26:11, 26:16
discretionary [3] - 44:20, 44:23, 132:13	Don [1] - 231:6	elsewhere [1] - 176:14	electric [1] - 84:7
discuss [5] - 16:22, 19:25, 95:13, 122:3, 203:18	done [15] - 12:9, 25:6, 27:22, 33:4, 76:17, 78:24, 152:12, 180:23, 181:21, 211:7, 211:12, 235:24, 242:13, 278:3, 281:7	eludes [1] - 24:24	Electric [1] - 84:19
discussed [9] - 116:14, 120:24, 121:2, 122:11, 165:13, 204:8, 242:2, 249:2, 249:3	doubt [4] - 32:23, 123:4, 130:17, 186:25	Emeryville [1] - 27:4	electronically [1] - 16:2
discussing [3] - 56:7, 73:12, 121:3	down [21] - 96:11, 96:14, 112:4, 117:18, 124:10, 125:14, 153:22, 176:13, 185:16, 186:11, 186:12, 186:14, 186:15, 195:13, 195:24, 215:23, 236:9, 237:16, 239:2, 254:20, 261:18	employed [1] - 37:22	elevated [1] - 39:11
discussion [2] - 174:19, 233:19	downside [1] - 279:25	employee [6] - 134:24, 136:20, 137:20, 140:16, 142:2, 143:22	eligible [1] - 38:6
discussions [14] - 9:9, 16:19, 110:17, 120:5, 120:8, 120:9, 120:11, 121:6, 163:10, 165:6, 165:15, 217:17, 224:19	dozens [1] - 124:15	employees [1] - 121:24	eliminated [1] - 28:23
dismiss [11] - 176:7, 178:5, 185:8, 185:10, 191:14, 191:21, 192:4, 192:19, 242:22, 243:12, 287:16	draft [7] - 73:21, 113:16, 116:14, 116:16, 223:2, 223:14, 286:19	employer [4] - 131:10, 136:3, 136:4, 137:9	Ellis [2] - 24:22
dispute [3] - 88:22, 91:6, 280:15	drafts [3] - 17:15, 18:16, 18:23	employer-sponsored [2] - 131:10, 136:3	elsewhere [1] - 176:14
disputes [2] - 61:22, 281:12	dragging [1] - 166:7	employers [2] - 70:15, 136:6	eludes [1] - 24:24
disregard [1] - 229:2	draw [1] - 114:20	employing [1] - 148:8	Emeryville [1] - 27:4
distorting [2] - 159:7, 163:16	drawn [1] - 119:25	employment [1] - 37:20	employed [1] - 37:22
distributed [2] - 66:15, 155:13	drew [1] - 120:2	end [15] - 10:21, 25:21, 32:9, 69:23, 110:10, 126:14, 164:25, 165:3, 194:17, 237:6, 237:10, 238:18, 242:18, 270:10, 282:5	eligible [1] - 38:6
DISTRICT [2] - 1:2, 1:2	Drexel [2] - 77:19, 78:6	ended [3] - 32:10, 236:15, 237:9	eliminated [1] - 28:23
district [4] - 26:14, 27:11, 27:17, 28:10	driven [3] - 154:2, 160:24, 216:25	ends [4] - 106:8, 195:18, 237:8, 270:11	Ellis [2] - 24:22
District [1] - 27:4	drove [2] - 153:21, 153:22	engage [4] - 108:18, 112:7, 145:24, 233:4	elsewhere [1] - 176:14
divide [1] - 67:7	Drug [5] - 30:17, 38:23, 130:16, 135:8, 135:25	engaged [3] - 123:18, 210:3, 211:3	eludes [1] - 24:24
Docket [4] - 86:20, 87:2, 89:8, 286:18	drug [12] - 21:12, 29:20, 33:6, 35:12, 37:6, 52:24, 53:7, 224:21, 225:13, 226:22, 228:17, 246:6	engaging [1] - 240:13	Employment [1] - 37:20
docket [1] - 87:4	drug-laced [1] - 225:13	enhancing [1] - 226:16	employed [1] - 37:22
document [57] - 14:10, 14:13, 17:23, 18:2, 19:3, 63:9, 72:2, 72:10, 72:15, 72:23, 73:14, 73:17, 73:22, 74:3, 74:6, 74:11, 74:25, 76:4, 76:14, 86:19, 89:15, 89:21, 90:6, 92:6, 114:8, 114:17, 114:23, 115:5, 115:7, 115:11, 115:21, 116:4, 116:6, 116:8, 119:9, 142:21, 176:11, 179:17, 187:5, 191:2, 191:16, 192:22, 192:25, 197:11, 198:21, 202:13, 206:11	drugs [2] - 226:16, 226:21	enlightenment [1] - 266:23	eligible [1] - 38:6
	DRUKER [1] - 1:7	enormous [3] - 154:15, 162:9, 210:11	eliminated [1] - 28:23
	Druker [10] - 2:18, 4:23, 5:6, 9:18, 19:21, 113:8, 155:12, 174:6, 174:13	entire [3] - 95:22, 140:13, 187:17	entirely [2] - 25:7, 59:22
			entirety [1] - 229:3
			entitled [13] - 72:3, 74:17, 76:23, 86:19, 89:22, 115:21

<p>115:25, 171:25, 229:2, 229:5, 244:2, 286:17, 286:21</p> <p>Entries [3] - 86:20, 87:2, 286:18</p> <p>envelopes [1] - 127:24</p> <p>equity [6] - 103:7, 103:8, 103:9, 103:10, 103:14, 103:15</p> <p>ERRATA [1] - 283:4</p> <p>error [3] - 170:2, 170:4, 179:23</p> <p>errors [1] - 198:22</p> <p>especially [4] - 16:9, 49:5, 56:20, 206:24</p> <p>essence [1] - 216:25</p> <p>establish [1] - 91:18</p> <p>established [1] - 205:17</p> <p>estate [1] - 105:4</p> <p>estimate [1] - 269:19</p> <p>et [1] - 4:10</p> <p>evaluating [1] - 159:12</p> <p>evidence [1] - 88:11</p> <p>evidences [1] - 176:20</p> <p>exact [2] - 10:18, 254:25</p> <p>exactly [11] - 97:3, 99:9, 132:4, 163:4, 173:20, 178:9, 204:2, 221:9, 229:9, 263:2, 263:4</p> <p>exam [2] - 22:22</p> <p>EXAMINATION [9] - 5:12, 70:7, 127:9, 194:25, 222:11, 243:6, 267:8, 281:9, 286:5</p> <p>example [11] - 17:23, 19:3, 51:10, 59:11, 124:25, 129:14, 143:14, 145:8, 228:16, 246:16, 279:21</p> <p>except [5] - 3:6, 27:19, 85:11, 148:21, 149:21</p> <p>exception [2] - 86:4, 86:12</p> <p>excuse [10] - 43:19, 79:15, 94:25, 154:19, 182:7, 186:21, 259:23, 260:17, 276:11</p> <p>executed [1] - 183:16</p> <p>execution [2] - 262:6, 262:19</p> <p>exercise [4] - 118:3, 273:22, 274:9, 275:9</p> <p>exercised [2] - 251:12, 274:15</p> <p>Exhibit [94] - 14:4, 14:9, 71:25, 72:22, 74:5, 74:10, 75:11, 75:17, 76:9, 79:13, 79:15, 80:5, 83:14, 86:18, 86:23, 88:2, 90:13, 90:17, 91:21, 113:19, 115:20, 115:24, 117:7, 122:22, 127:14, 127:18, 128:5, 128:7, 128:12, 141:11, 142:15, 145:4, 145:5, 146:13, 146:15, 146:16,</p>	<p>176:4, 180:9, 182:5, 190:9, 190:23, 191:19, 192:11, 192:12, 192:16, 193:17, 195:4, 196:15, 196:17, 197:5, 198:3, 199:7, 201:4, 201:6, 201:8, 201:10, 204:16, 204:18, 204:23, 208:8, 208:9, 208:15, 218:20, 218:24, 219:15, 219:18, 219:24, 220:12, 220:20, 221:6, 222:17, 239:20, 243:8, 243:22, 243:25, 244:2, 246:17, 246:20, 246:21, 247:15, 251:23, 256:18, 259:19, 262:2, 265:6, 267:10, 268:9, 268:12, 269:9, 269:12, 270:4, 273:14, 276:10</p> <p>exhibit [10] - 71:12, 77:17, 127:14, 174:24, 181:25, 185:4, 195:6, 197:25, 200:2, 204:24</p> <p>exhibits [6] - 197:23, 197:24, 207:2, 218:13, 219:4, 219:5</p> <p>exist [1] - 167:16</p> <p>existence [2] - 91:23, 112:11</p> <p>existing [1] - 253:15</p> <p>exists [2] - 205:20, 209:2</p> <p>exited [1] - 70:2</p> <p>expect [3] - 173:13, 174:9, 240:17</p> <p>expectation [2] - 112:3, 217:2</p> <p>expectations [1] - 150:21</p> <p>expected [1] - 228:11</p> <p>expense [1] - 163:14</p> <p>expenses [3] - 277:2, 277:11, 278:10</p> <p>experience [5] - 26:22, 170:20, 179:22, 227:10, 229:12</p> <p>experienced [3] - 123:4, 167:12, 238:6</p> <p>expert [2] - 166:14, 215:4</p> <p>expertise [2] - 179:22, 213:25</p> <p>experts [1] - 84:6</p> <p>expiration [3] - 274:24, 275:10, 275:12</p> <p>explain [3] - 109:15, 170:7, 249:25</p> <p>explained [1] - 210:21</p> <p>explanation [8] - 98:5, 149:20, 151:3, 178:12, 179:5, 257:7, 258:4, 263:11</p> <p>expunged [1] - 42:9</p> <p>extensive [2] - 264:4, 264:5</p> <p>extent [5] - 26:5, 34:23, 154:2, 155:4</p>	<p>extraordinarily [2] - 37:11, 147:25</p> <p>extraordinary [3] - 30:10, 34:22, 157:9</p> <p>extremely [1] - 30:15</p>	<p>48:25, 49:13, 54:14, 59:13, 59:20, 59:24, 60:11, 61:17, 62:21, 64:7, 64:16, 65:3, 65:9, 65:16, 65:24, 68:24, 69:9, 70:12, 118:8, 118:19, 119:24, 120:12, 121:15, 122:16, 125:10, 125:19, 125:21, 127:23, 127:25, 128:15, 129:7, 131:11, 131:21, 132:3, 133:5, 133:20, 135:21, 135:22, 137:7, 140:24, 149:8, 150:17, 168:11, 190:14, 198:24, 241:23, 253:16, 254:22, 264:16, 269:9, 269:18, 272:22</p>
		F	
			<p>facility [1] - 111:25</p> <p>fact [21] - 18:13, 34:20, 73:14, 148:7, 154:19, 154:20, 159:21, 167:20, 172:5, 179:7, 179:8, 187:6, 188:12, 188:20, 215:9, 215:10, 223:21, 233:24, 253:16, 268:5, 274:13</p> <p>factor [1] - 238:5</p> <p>factors [3] - 228:9, 231:24, 232:15</p> <p>facts [6] - 88:11, 155:2, 155:3, 155:4, 155:6, 227:23</p> <p>factual [5] - 81:18, 81:19, 154:4, 164:18, 188:5</p> <p>fail [1] - 176:25</p> <p>fair [12] - 19:9, 39:3, 49:12, 53:15, 62:12, 78:8, 160:21, 161:19, 171:5, 239:25, 240:2, 273:12</p> <p>fairly [4] - 33:8, 167:5, 245:12, 245:13</p> <p>fall [4] - 57:2, 91:7, 193:7, 206:16</p> <p>familiar [4] - 18:11, 31:4, 225:17, 230:20</p> <p>family [2] - 25:6, 157:8</p> <p>far [7] - 24:15, 24:16, 42:23, 44:7, 67:18, 98:3, 167:16</p> <p>fashion [4] - 128:22, 228:13, 258:22, 264:21</p> <p>favor [1] - 170:4</p> <p>featuring [1] - 191:6</p> <p>February [3] - 76:6, 81:24, 286:16</p> <p>fee [1] - 76:17</p> <p>fees [6] - 276:25, 277:4, 277:9, 277:10, 280:19</p> <p>feet [4] - 245:17, 254:6, 255:12, 261:14</p> <p>fell [1] - 88:9</p> <p>felony [3] - 27:19, 28:2</p> <p>felt [4] - 30:11, 153:23, 255:10</p> <p>few [9] - 16:12, 49:7, 55:4, 60:3, 65:11, 65:12, 68:8, 108:13, 174:6</p> <p>Fidelity [60] - 44:6, 45:13, 45:25, 46:3, 47:14, 48:5, 49:13, 54:14, 59:13, 59:20, 59:24, 60:11, 61:17, 62:21, 64:7, 64:16, 65:3, 65:9, 65:16, 65:24, 68:24, 69:9, 70:12, 118:8, 118:19, 119:24, 120:12, 121:15, 122:16, 125:10, 125:19, 125:21, 127:23, 127:25, 128:15, 129:7, 131:11, 131:21, 132:3, 133:5, 133:20, 135:21, 135:22, 137:7, 140:24, 149:8, 150:17, 168:11, 190:14, 198:24, 241:23, 253:16, 254:22, 264:16, 269:9, 269:18, 272:22</p>

<p>158:21, 158:25, 159:15, 159:24, 160:3, 160:18, 161:8, 161:14, 162:3, 162:6, 162:15, 178:5, 185:10, 185:16, 186:13, 193:24, 194:2, 219:2, 219:19, 240:24, 242:3, 242:8, 244:8, 244:19, 270:10, 276:14, 277:23, 286:14, five [6] - 43:7, 151:17, 197:5, 221:22, 221:25, 234:15, fledgling [1] - 36:4, flip [2] - 143:3, 143:11, Floor [1] - 2:7, fluctuated [1] - 69:11, focus [1] - 201:25, follow [7] - 6:15, 56:14, 56:15, 57:17, 67:3, 257:15, followed [8] - 46:20, 55:23, 58:20, 97:15, 98:23, 99:5, 110:18, 119:12, following [3] - 97:10, 110:17, 184:5, follows [5] - 5:11, 81:6, 106:20, 106:24, Fool [2] - 57:15, 67:2, foot [1] - 166:7, foot-dragging [1] - 166:7, foreclosure [1] - 102:3, foregoing [1] - 81:5, forgot [1] - 44:19, form [21] - 3:7, 11:8, 51:19, 53:25, 72:25, 83:19, 89:19, 93:3, 96:18, 96:23, 121:14, 163:8, 163:9, 165:25, 179:15, 180:20, 192:5, 209:17, 240:18, 250:15, 266:14, formal [1] - 91:13, formally [1] - 68:4, formed [2] - 131:3, 131:4, former [1] - 106:21, forth [3] - 38:5, 75:10, 285:13, forward [2] - 142:21, 173:2, foundation [1] - 58:24, foundational [1] - 6:13, four [6] - 21:2, 23:3, 32:6, 79:16, 168:16, 169:12, Francisco [4] - 32:5, 40:16, 63:23, 225:14, frankly [7] - 45:2, 112:6, 135:7, 141:2, 179:23, 215:25, 251:17, Frederick [1] - 24:25, Freeman [13] - 9:16, 155:10, 165:6, 165:7, 204:5, 224:10, 224:17, 225:12, 226:12, 230:18, 231:22, 232:16, 233:21</p>	<p>FREEMAN [1] - 1:7, frequency [1] - 16:5, frequent [1] - 17:3, friend [2] - 92:19, 230:19, front [4] - 15:17, 89:13, 141:17, 206:23, fulfilled [1] - 38:4, full [2] - 280:2, 280:5, fully [2] - 258:18, 276:21, FUND [2] - 1:9, Fund [6] - 2:16, 2:17, 72:5, 72:6, 74:21, 74:22, fund [10] - 45:10, 45:11, 47:21, 47:23, 47:24, 47:25, 64:10, 137:6, 276:23, 277:6, funds [5] - 48:8, 54:9, 99:18, 99:19, 99:23, Furman [2] - 9:16, 165:7, FURTHER [2] - 3:9, 3:13, future [1] - 162:19</p>	<p>graduated [2] - 21:3, 21:20, graduating [1] - 22:3, grant [1] - 161:7, granted [6] - 29:14, 29:16, 35:10, 35:16, 36:20, 178:4, grassroots [1] - 36:10, great [13] - 24:3, 26:18, 39:13, 49:4, 57:19, 150:21, 156:17, 156:21, 159:13, 160:25, 231:12, 257:11, greater [2] - 12:12, 174:9, greatly [1] - 49:9, gross [1] - 277:6, grow [1] - 217:9, guess [8] - 55:15, 58:9, 124:16, 252:14, 257:20, 269:15, 270:24, 272:8, guesstimate [1] - 8:3, guilty [1] - 229:14</p>	<p>help [1] - 106:8, helpful [1] - 25:23, helping [1] - 35:5, HEREBY [1] - 3:4, hereby [1] - 285:11, hereinbefore [1] - 285:13, hereto [2] - 3:6, 268:2, High [1] - 20:24, high [3] - 20:25, 183:17, 241:14, higher [6] - 155:19, 155:22, 158:13, 214:8, 214:18, highs [1] - 183:19, Hillman [2] - 4:16, 4:18, Hills [2] - 43:9, 96:7, Himalayas [1] - 23:10, hindsight [1] - 48:14, history [2] - 23:23, 24:7, hmm [9] - 77:5, 119:18, 121:16, 143:18, 150:12, 158:23, 195:15, 262:7, hold [3] - 51:17, 189:20, 234:9, holding [1] - 255:5, home [7] - 37:19, 43:10, 66:14, 66:15, 67:7, 84:3, 96:8, honest [4] - 154:21, 159:14, 161:19, 213:11, honestly [3] - 184:9, 184:11, 224:25, hope [1] - 230:14, hopes [1] - 229:20, hoping [1] - 250:16, hotline [1] - 253:15, hours [15] - 14:25, 145:25, 177:24, 178:15, 179:9, 183:17, 183:20, 188:10, 188:13, 188:18, 188:21, 189:16, 189:18, 189:22, 190:21, house [2] - 149:9, 149:10, Huber [1] - 8:17, huge [3] - 161:24, 252:25, 253:3, hundreds [5] - 21:11, 123:24, 124:13, 124:14, 126:2, hurt [6] - 155:24, 155:25, 156:4, 156:8, 210:20, 211:19, Hyland [11] - 4:21, 72:9, 143:6, 175:22, 218:21, 267:13, 272:24, 274:23, 286:6, 286:8, 287:6, HYLAND [107] - 2:22, 4:21, 5:13, 14:3, 19:7, 19:9, 54:23, 55:3, 64:19, 64:21, 64:24, 69:17, 70:8, 71:11, 71:15, 71:21, 72:11, 74:9, 76:4, 83:17, 83:20, 85:17, 86:2, 86:5, 86:8, 86:16, 95:25,</p>
	<p>G</p> <p>gain [1] - 110:13, gained [2] - 210:17, 213:10, gains [3] - 62:4, 62:18, 93:17, gamble [2] - 106:12, 106:16, game [1] - 172:24, gap [1] - 205:7, Gas [1] - 84:19, gatherings [1] - 68:16, general [5] - 24:6, 57:13, 107:24, 223:17, 234:8, generally [5] - 229:23, 234:4, 241:24, 244:14, 269:17, generates [1] - 276:23, gentleman [3] - 9:15, 9:18, 155:10, gentlemen [2] - 5:24, 19:25, George [4] - 35:20, 36:16, 55:24, 56:6, Gilder [6] - 56:6, 56:8, 66:6, 66:21, 110:19, 253:15, Gilder's [1] - 55:24, girlfriend [1] - 41:4, given [14] - 9:17, 29:22, 32:20, 34:16, 51:6, 52:7, 62:10, 83:22, 145:23, 164:9, 166:15, 178:12, 258:10, 285:15, gladly [1] - 34:15, GLOBAL [1] - 1:8, goal [1] - 234:13, goals [1] - 235:13, Gordon [4] - 4:9, 208:21, 209:3, 210:13, GORDON [1] - 1:4, grade [2] - 20:21, 20:23</p>	<p>Haber [3] - 8:17, 183:8, 183:21, half [15] - 24:12, 25:17, 71:7, 71:9, 138:21, 139:16, 166:23, 233:9, 233:11, 238:16, 238:22, 239:4, 240:4, 240:6, 279:23, halfway [4] - 117:18, 176:13, 185:16, 195:13, Halloween [1] - 185:2, hallucinating [1] - 225:12, hand [1] - 75:6, handled [1] - 131:20, handling [1] - 131:23, handwriting [1] - 199:14, happy [4] - 33:8, 138:23, 280:11, 280:21, hard [4] - 53:2, 241:4, 255:6, 274:8, harm [2] - 157:7, 208:25, harmed [3] - 157:7, 157:8, head [3] - 139:23, 139:24, 139:25, headed [1] - 130:15, health [1] - 29:21, hear [8] - 27:17, 28:11, 28:12, 109:17, 225:11, 226:15, 226:20, 226:25, heard [17] - 16:17, 19:24, 28:13, 28:14, 56:24, 111:20, 164:4, 184:14, 225:21, 226:3, 226:5, 226:11, 231:5, 231:8, 231:14, 231:16, 231:19, hearing [1] - 7:21, height [1] - 157:3, held [5] - 4:11, 45:21, 64:16, 236:9, 248:15</p>	<p>PIROZZI & HILLMAN 212-213-5858</p>

97:19, 97:23, 98:2, 98:13, 98:17, 113:2, 113:9, 115:13, 115:15, 115:20, 116:23, 126:10, 127:10, 134:21, 137:3, 137:11, 137:16, 138:4, 138:6, 138:8, 138:12, 138:15, 138:18, 138:22, 138:25, 139:4, 139:8, 139:13, 139:19, 139:22, 140:4, 140:7, 143:8, 146:14, 146:16, 146:19, 172:20, 173:2, 173:6, 174:24, 175:2, 175:7, 175:10, 180:11, 181:8, 181:24, 182:10, 183:5, 184:11, 185:4, 185:21, 186:21, 189:20, 192:11, 194:13, 195:2, 200:23, 201:2, 201:7, 201:10, 202:5, 219:8, 219:11, 221:11, 221:14, 222:12, 222:13, 242:11, 243:7, 247:6, 247:25, 248:7, 248:10, 248:12, 249:7, 261:4, 261:6, 263:7, 281:8, 281:10 hypothetical [1] - 124:25 hypothetically [1] - 211:10	279:7 immediately [5] - 55:7, 167:13, 190:14, 263:16, 274:17 immoral [1] - 209:20 impact [5] - 160:13, 160:19, 162:10, 228:6, 228:7 impeachment [1] - 228:20 implementing [1] - 125:20 implicate [1] - 229:24 important [3] - 35:7, 37:11, 156:16 impression [7] - 90:9, 150:23, 154:7, 156:13, 156:19, 157:5, 217:6 improperly [1] - 155:19 improve [1] - 226:16 in-house [1] - 149:9 in-person [1] - 120:8 in/first [2] - 64:3, 64:4 inaccurate [7] - 81:20, 122:23, 122:25, 154:4, 154:10, 155:22, 181:22 inadvertent [1] - 138:13 inadvertently [2] - 138:16, 138:19 inappropriate [2] - 154:4, 156:12 Inc [2] - 244:4, 267:25 inches [1] - 118:14 include [1] - 42:6 included [3] - 188:13, 188:21, 281:13 including [3] - 64:13, 64:15, 207:2 income [1] - 62:19 incorrect [3] - 200:25, 203:10, 252:16 increase [1] - 159:20 increments [1] - 125:5 incur [1] - 236:3 incurred [1] - 236:4 INDEX [1] - 286:3 INDEX(Continued) [1] - 287:3 indicate [4] - 79:7, 114:7, 174:16, 174:18 indicated [7] - 16:20, 31:24, 47:20, 66:4, 174:6, 189:5, 207:23 indicates [1] - 264:5 individual [18] - 9:17, 34:17, 46:8, 46:15, 49:3, 49:14, 55:6, 64:23, 70:15, 71:5, 71:7, 123:13, 129:7, 130:3, 141:24, 144:7, 162:11, 268:13 individuals [6] - 9:13, 9:14, 10:3, 10:7, 21:14, 33:6 industries [1] - 52:21 influence [1] - 228:18	influential [1] - 35:3 informally [1] - 68:4 information [96] - 6:10, 9:2, 9:6, 9:13, 9:17, 9:19, 10:4, 10:9, 12:4, 13:8, 13:17, 34:16, 56:19, 58:14, 61:23, 62:21, 66:14, 68:7, 68:13, 91:15, 91:16, 117:15, 118:4, 118:11, 118:15, 118:16, 118:18, 119:23, 120:13, 120:14, 120:16, 120:17, 120:22, 121:7, 121:8, 121:9, 122:2, 122:20, 122:22, 145:22, 149:11, 153:8, 153:20, 155:8, 155:11, 157:2, 159:6, 163:12, 164:17, 164:24, 165:10, 165:11, 166:15, 166:24, 167:24, 168:3, 170:8, 170:14, 170:19, 170:23, 171:15, 171:16, 172:5, 172:12, 180:4, 180:25, 190:8, 190:16, 199:5, 203:23, 203:25, 204:4, 205:22, 205:24, 207:11, 209:5, 209:12, 210:9, 210:10, 211:22, 213:10, 213:16, 214:16, 215:12, 215:18, 216:5, 216:9, 217:5, 217:15, 217:18, 218:4, 224:16, 228:12, 257:14, 258:13, 258:14 informational [1] - 68:9 informed [1] - 166:17 inheritance [1] - 70:20 initial [4] - 145:9, 146:9, 152:20, 191:14 input [2] - 60:6, 253:13 inquire [2] - 173:16, 174:2 inquiries [1] - 190:15 inquiry [2] - 17:10, 189:13 inside [1] - 209:19 insider [11] - 9:2, 9:6, 10:2, 10:3, 10:7, 153:11, 155:8, 166:19, 211:4, 217:4 inssofar [1] - 98:24 insolvent [1] - 100:7 instance [4] - 80:13, 106:25, 210:12, 271:18 instances [4] - 60:3, 80:7, 90:21, 168:14 instead [3] - 147:9, 160:24, 209:6 institute [1] - 29:18 INSTITUTIONAL [1] - 1:8 Institutional [3] - 2:16, 72:5, 74:21 institutions [2] - 167:2, 232:23 instructed [1] - 98:24 instruction [1] - 6:15	instructions [2] - 125:20, 228:23 integrity [1] - 177:5 intend [1] - 142:6 intention [4] - 144:9, 148:9, 234:7, 235:11 interest [5] - 9:21, 66:8, 129:10, 130:6, 167:21 interested [9] - 17:9, 23:15, 37:9, 46:21, 55:17, 66:3, 279:14, 279:17, 285:20 interesting [1] - 26:21 interface [2] - 66:12, 67:6 interference [1] - 45:5 Internal [4] - 87:5, 87:9, 88:22, 93:2 interrogatories [16] - 18:24, 19:12, 71:19, 71:22, 72:7, 72:19, 74:14, 74:23, 75:10, 75:15, 75:16, 75:21, 79:22, 286:11, 286:13, 286:15, 286:16 Interrogatory [7] - 80:4, 80:6, 80:24, 82:8, 83:8, 83:13, 90:17 interrogatory [6] - 18:21, 87:15, 87:25, 88:10, 90:14, 281:22 introduce [1] - 4:19 introduced [1] - 148:2 invest [1] - 56:13 invested [2] - 107:22, 108:11 investing [4] - 56:5, 56:10, 57:5, 150:22 investment [13] - 45:15, 46:20, 46:24, 47:3, 54:17, 55:20, 57:14, 59:4, 132:9, 155:14, 234:3, 250:13, 266:24 investments [1] - 107:24 investor [1] - 149:2 involve [1] - 10:16 involved [16] - 10:12, 24:9, 30:13, 37:13, 50:10, 51:25, 52:13, 52:21, 55:23, 80:9, 81:8, 90:22, 163:7, 237:22, 278:13 involves [1] - 10:14 IRA [24] - 44:7, 44:14, 46:9, 64:14, 70:14, 71:9, 129:21, 130:9, 130:18, 130:22, 131:2, 131:8, 131:17, 134:23, 135:10, 135:23, 136:19, 136:21, 137:5, 137:20, 138:2, 140:15, 140:18, 141:25 IRAs [4] - 65:21, 136:18, 136:22, 140:21 irreparable [1] - 157:7 IRS [23] - 91:7, 91:24, 92:5,
---	--	--	---

93:8, 93:20, 93:24, 94:3, 94:6, 94:13, 94:18, 95:8, 95:10, 95:12, 95:20, 96:2, 96:15, 96:22, 97:2, 97:7, 98:12, 100:2, 280:14, 281:14 IRS' [1] - 95:17 IS [3] - 3:4, 3:9, 3:13 Island [1] - 20:21 Israeli [1] - 52:15 issue [16] - 31:21, 93:20, 95:15, 115:14, 115:16, 169:25, 186:19, 189:6, 190:17, 191:11, 195:19, 196:18, 196:21, 196:22, 197:6, 235:21 issued [2] - 11:19, 55:14 issues [2] - 35:13, 242:2 IT [3] - 3:4, 3:9, 3:13 itself [3] - 35:2, 119:25, 250:8	judgment [1] - 152:4 judicial [2] - 21:6, 21:10 July [25] - 142:21, 146:21, 153:2, 157:16, 157:17, 157:18, 159:19, 199:12, 202:20, 202:23, 204:12, 204:19, 247:10, 247:11, 249:10, 250:25, 251:7, 251:8, 270:17, 271:11, 272:2, 274:24, 274:25, 275:2, 275:4 July/August [1] - 151:25 June [3] - 182:8, 182:9, 195:5 jurisdiction [5] - 28:16, 38:6, 80:11, 81:10, 90:25 juror [3] - 228:11, 228:23, 228:25 jury [8] - 27:19, 172:24, 173:3, 227:13, 227:15, 227:20, 228:22, 228:25 justice [4] - 29:14, 29:19, 35:3, 35:18	195:12 large [13] - 48:8, 49:22, 49:24, 106:22, 107:2, 124:8, 125:8, 146:21, 148:5, 150:22, 210:11, 217:24, 268:16 larger [3] - 45:10, 67:18, 148:3 last [35] - 6:5, 7:4, 7:8, 7:18, 7:24, 8:18, 15:5, 15:20, 16:14, 24:25, 29:10, 38:7, 38:17, 64:3, 65:7, 74:25, 75:25, 79:25, 80:7, 81:7, 90:21, 187:2, 190:10, 202:15, 206:13, 225:25, 226:3, 226:5, 243:21, 262:16, 276:13, 278:16, 278:18, 279:3 late [2] - 123:14, 241:4 Law [1] - 21:3 law [24] - 4:12, 18:9, 21:25, 22:10, 23:5, 23:14, 24:9, 24:22, 25:5, 25:6, 88:20, 106:19, 107:8, 107:9, 112:13, 112:15, 112:17, 175:3, 176:6, 193:14, 243:10, 248:24, 286:23, 287:11 laws [1] - 200:15 lawsuit [10] - 83:23, 84:8, 84:16, 106:18, 108:8, 108:11, 142:10, 144:10, 248:14, 276:23 lawyer [4] - 25:8, 113:5, 113:6, 232:7 lawyer-client [1] - 232:7 laying [1] - 150:9 lead [4] - 7:15, 15:19, 164:22, 194:6 learn [5] - 56:18, 106:17, 110:15, 147:21, 152:22 learned [3] - 9:8, 108:10, 112:10 least [16] - 9:9, 29:9, 31:9, 56:17, 57:15, 91:15, 118:13, 124:17, 155:4, 168:5, 207:12, 209:8, 228:14, 238:4, 255:8, 266:17 leave [11] - 29:14, 29:23, 32:21, 35:11, 35:16, 35:21, 36:14, 36:20, 227:14, 235:14, 275:24 leaving [4] - 37:14, 37:19, 234:12 led [3] - 88:13, 128:15, 180:2 left [10] - 29:23, 30:7, 32:20, 49:8, 87:3, 103:13, 106:10, 119:9, 239:4 legal [7] - 4:17, 17:6, 85:12, 87:12, 113:3, 173:18, 173:19	legitimate [2] - 153:23, 163:15 legs [1] - 217:7 LENDEL [1] - 285:24 Lengel [3] - 1:21, 4:16, 285:8 length [1] - 26:18 less [12] - 24:20, 28:6, 51:5, 51:18, 52:10, 56:24, 58:10, 148:10, 164:6, 240:8, 271:12, 273:8 lesser [3] - 148:19, 151:6, 229:21 letter [9] - 60:24, 77:18, 77:22, 77:25, 78:2, 78:5, 78:9, 78:13, 78:16 letters [1] - 117:24 level [7] - 109:11, 110:10, 111:6, 251:3, 251:9, 251:13, 275:13 lied [1] - 228:24 lien [8] - 87:20, 88:16, 90:9, 91:18, 96:2, 96:7, 96:11, 96:14 liens [1] - 96:15 life [1] - 157:8 lighter [1] - 229:25 likely [1] - 130:25 limited [3] - 125:11, 233:20, 241:16 Lincoln [1] - 20:24 line [2] - 120:19 lines [3] - 186:12, 186:14, 186:15 list [1] - 141:20 listed [6] - 145:15, 146:13, 146:15, 267:14, 267:19, 268:6 listen [2] - 139:12, 149:6 listened [1] - 56:21 literally [1] - 153:14 litigation [7] - 80:10, 81:7, 81:9, 90:24, 114:24, 276:21, 278:14 litigations [1] - 281:11 live [6] - 40:12, 40:13, 41:4, 42:21, 42:23, 43:6 lived [5] - 40:22, 42:20, 43:9, 43:14, 104:5 lives [1] - 183:12 living [3] - 23:12, 23:18, 24:14 LLC [4] - 1:7, 1:8, 2:14, 4:10 LLC's [1] - 74:20 LLP [2] - 1:20, 2:12 LNOP [1] - 52:15 locate [1] - 68:7 located [4] - 63:22, 103:24, 103:25, 104:2 log [1] - 60:11
J	K	L	I

<p>long-range [1] - 234:13 Longueuil [1] - 231:6 look [33] - 77:16, 81:3, 128:25, 146:25, 149:14, 157:11, 159:18, 164:21, 170:22, 172:9, 180:17, 187:2, 204:16, 206:8, 207:20, 212:23, 244:7, 245:10, 253:7, 257:22, 259:18, 262:2, 264:25, 265:5, 265:7, 267:12, 267:21, 267:22, 269:25, 270:2, 273:13, 276:9, 277:17 looked [8] - 23:4, 50:17, 85:14, 154:13, 195:12, 207:21, 207:22 looking [28] - 14:16, 48:15, 55:19, 71:25, 124:6, 139:17, 141:11, 157:19, 159:16, 168:11, 173:2, 180:18, 199:20, 199:23, 199:24, 200:2, 200:4, 202:11, 204:17, 207:24, 212:24, 216:6, 236:6, 239:20, 243:8, 247:21, 247:25, 254:5 looks [12] - 212:24, 252:19, 254:15, 256:5, 256:16, 256:17, 262:25, 263:13, 263:15, 263:18, 265:2 lose [6] - 26:2, 48:21, 101:17, 111:11, 111:17, 240:21 losing [1] - 237:6 loss [6] - 160:25, 161:23, 161:24, 162:2, 176:25, 201:17 losses [12] - 49:16, 62:4, 62:18, 63:8, 64:2, 236:3, 236:4, 236:19, 236:23, 237:3, 237:21, 238:6 lost [16] - 49:4, 50:6, 94:14, 101:19, 106:10, 108:4, 149:19, 152:9, 159:13, 159:17, 235:17, 239:7, 259:3, 276:2, 276:7 loud [1] - 276:15 lower [2] - 159:3, 272:13 lows [2] - 183:18, 183:19 LP [4] - 1:8, 1:9, 2:15, 2:16 LP's [4] - 72:5, 74:20, 74:21 Ltd [1] - 2:17 LTD [1] - 1:9 LTD's [2] - 72:6, 74:22 Luke [1] - 24:22 Luncheon [1] - 126:16 M magazines [1] - 55:22 magistrate [1] - 25:13 main [1] - 67:11 </p>	<p>Maiorano [1] - 4:17 MAIORANO [1] - 2:25 major [2] - 135:20, 217:23 man [1] - 174:10 manage [1] - 148:22 MANAGEMENT [1] - 1:7 Management [3] - 2:14, 4:10, 74:19 Management's [4] - 72:4, 176:5, 192:17, 243:11 manipulated [4] - 154:2, 155:5, 155:6, 213:8 manipulation [8] - 160:11, 162:21, 162:25, 163:4, 163:18, 163:21, 166:18 manufacture [1] - 67:4 marathons [1] - 226:19 March [17] - 117:4, 122:10, 123:9, 216:19, 236:15, 237:9, 237:10, 237:11, 237:13, 237:14, 265:12, 265:22, 265:23, 265:24, 270:12, 271:3 margin [14] - 239:10, 239:12, 239:18, 239:22, 239:25, 240:5, 240:10, 240:12, 240:20, 240:22, 240:23, 240:25, 241:9, 241:20 Marin [4] - 31:23, 42:22, 279:21, 280:6 MARK [1] - 2:22 Mark [4] - 172:19, 175:22, 247:4, 287:6 mark [5] - 4:21, 71:11, 74:9, 175:8, 175:10 marked [23] - 14:6, 71:20, 71:23, 74:5, 74:14, 76:6, 76:9, 86:21, 113:17, 115:22, 127:15, 175:4, 175:21, 175:23, 182:3, 185:5, 192:14, 193:15, 196:9, 222:15, 242:23, 270:7, 270:8 Market [3] - 57:25, 58:2, 66:23 market [35] - 43:22, 48:20, 57:12, 106:24, 153:23, 160:13, 160:21, 161:4, 161:20, 163:16, 169:21, 170:23, 177:2, 177:3, 177:5, 178:15, 178:22, 179:9, 188:12, 188:20, 190:23, 191:7, 196:24, 197:8, 209:13, 209:21, 209:23, 211:24, 213:5, 216:10, 217:11, 234:12, 235:14, 239:7, 250:6 markets [1] - 183:13 marking [1] - 113:2 marriage [1] - 285:19 married [7] - 41:6, 41:8, </p>	<p>41:14, 41:19, 41:24, 107:10, 107:18 match [1] - 191:7 material [1] - 217:14 materials [1] - 181:15 math [2] - 150:15, 160:7 Matt [1] - 4:17 matter [11] - 4:9, 15:19, 79:5, 79:8, 84:10, 84:21, 91:12, 91:17, 94:7, 167:20, 285:20 matters [2] - 106:21, 122:16 MATTHEW [1] - 2:25 mean [40] - 15:8, 17:25, 28:2, 33:25, 58:9, 58:13, 60:22, 65:19, 66:20, 67:9, 69:10, 73:18, 82:15, 96:14, 100:24, 102:7, 114:19, 131:22, 133:10, 141:4, 151:23, 152:15, 152:17, 157:16, 158:12, 162:16, 191:2, 214:24, 215:3, 236:24, 246:10, 250:16, 250:19, 254:4, 261:12, 262:10, 264:2, 271:24, 272:18, 279:11 meaning [3] - 45:19, 205:21, 209:6 means [7] - 25:14, 37:25, 62:13, 81:17, 103:17, 221:16, 276:22 meant [11] - 68:8, 150:8, 202:8, 202:9, 210:15, 214:7, 224:5, 240:5, 265:21, 275:20 mechanically [2] - 58:19, 110:3 mechanism [3] - 48:20, 59:14, 160:22 mechanisms [1] - 18:6 medical [2] - 53:7 medication [3] - 20:4, 20:7, 152:2 meet [6] - 5:18, 5:21, 8:8, 14:20, 15:10, 106:8 meeting [2] - 6:18, 15:11 member [1] - 37:24 members [4] - 10:8, 37:3, 210:14, 276:20 membership [1] - 30:18 memorandum [13] - 163:10, 175:3, 176:6, 192:13, 192:18, 193:13, 231:3, 242:21, 243:9, 286:23, 287:9, 287:11, 287:16 memory [1] - 207:15 Mendocino [2] - 84:17, 104:2 mental [2] - 21:13, 29:21 mention [1] - 255:17 </p>	<p>mentioned [4] - 31:8, 65:10, 103:20, 112:14 merit [1] - 181:18 met [6] - 5:22, 15:2, 15:5, 15:21, 224:9, 233:21 method [1] - 63:25 methodology [1] - 64:5 MICHAEL [1] - 2:21 Michael [2] - 5:5, 107:12 middle [1] - 52:4 might [27] - 26:9, 30:6, 56:25, 62:9, 66:23, 69:13, 83:25, 91:22, 108:13, 124:24, 130:18, 130:19, 139:4, 147:8, 177:23, 188:11, 188:19, 189:3, 209:3, 209:7, 210:15, 211:24, 213:12, 215:8, 215:9, 279:24 million [25] - 69:15, 69:16, 163:20, 163:23, 164:23, 165:2, 165:3, 166:11, 210:12, 213:2, 215:5, 233:9, 233:11, 238:12, 238:16, 238:22, 239:5, 240:5, 240:6, 240:8, 257:18, 257:25, 258:5, 258:7, 260:9 millions [4] - 154:16, 155:15, 183:11 mind [14] - 37:17, 82:19, 83:3, 83:4, 87:16, 88:3, 106:7, 109:20, 141:8, 160:23, 227:7, 245:8, 264:20, 266:20 minor [4] - 79:8, 82:17, 238:8 minutes [4] - 221:20, 221:22, 242:12 misdemeanor [2] - 28:5, 42:6 misleading [2] - 137:13, 219:3 mistake [1] - 190:12 mistaken [15] - 10:15, 32:11, 46:11, 154:17, 159:22, 164:25, 185:2, 206:14, 207:17, 233:3, 233:7, 233:10, 236:8, 237:4, 278:20 modest [1] - 235:10 moment [10] - 25:2, 53:9, 76:10, 117:7, 181:4, 198:8, 219:20, 222:24, 243:14, 263:14 Monday [3] - 202:19, 202:23, 255:7 monetary [2] - 84:24, 162:2 money [52] - 45:2, 45:3, 48:21, 48:22, 48:23, 49:5, 50:11, 70:10, 70:16, 93:12, 94:15, 96:17, 96:19, 96:22, </p>
--	--	---	---

<p>101:17, 101:19, 106:9, 108:4, 111:17, 132:2, 132:17, 136:9, 151:21, 152:9, 152:17, 152:18, 152:19, 152:22, 153:12, 154:15, 155:13, 157:4, 159:11, 160:8, 161:8, 161:11, 162:6, 211:16, 215:8, 217:4, 234:11, 235:17, 235:22, 240:8, 240:21, 246:11, 250:7, 250:21, 250:22, 255:2, 259:2, 273:8 monies [3] - 111:12, 131:24, 167:3 monopoly [1] - 67:13 month [5] - 10:22, 26:8, 197:5, 234:17, 265:3 monthly [7] - 16:16, 61:16, 61:19, 99:12, 99:13, 99:14, 100:3 months [14] - 7:20, 16:12, 17:2, 23:3, 26:8, 54:12, 55:4, 55:9, 167:24, 180:3, 194:3, 206:13, 233:8, 272:4 Moreover [4] - 185:19, 188:4, 188:5, 195:14 moreover [2] - 185:22, 185:23 morning [2] - 5:16, 5:17 mortgage [6] - 102:22, 103:2, 103:12, 104:12, 104:16, 104:24 most [13] - 30:6, 31:22, 32:3, 35:2, 37:18, 59:15, 108:15, 157:9, 166:20, 236:13, 236:23, 237:3, 245:14 mostly [2] - 16:11, 56:15 motion [15] - 7:14, 169:16, 176:7, 177:16, 178:5, 178:20, 185:8, 185:10, 191:14, 191:20, 191:21, 192:4, 192:18, 194:7, 243:11 Motley [2] - 57:15, 66:25 Motorola [1] - 217:22 move [3] - 112:23, 134:15, 156:18 moved [3] - 61:8, 133:19, 215:22 movements [1] - 154:14 MR [293] - 4:21, 4:24, 5:3, 5:5, 5:13, 6:6, 6:21, 8:10, 11:8, 14:3, 19:6, 19:7, 19:9, 26:23, 39:25, 51:19, 53:24, 54:22, 54:23, 54:25, 55:3, 58:23, 60:15, 63:16, 64:13, 64:17, 64:19, 64:20, 64:21, 64:22, 64:24, 69:17, 69:19, 70:8, 71:11, 71:14, 71:15, 71:18, 71:21, 72:9, 72:11,</p>	<p>72:12, 72:25, 74:9, 76:4, 83:15, 83:17, 83:19, 83:20, 83:21, 85:17, 85:20, 86:2, 86:3, 86:5, 86:6, 86:8, 86:14, 86:16, 88:4, 88:7, 89:10, 89:19, 91:25, 93:3, 95:21, 95:25, 96:18, 96:23, 97:17, 97:19, 97:21, 97:23, 97:25, 98:2, 98:3, 98:7, 98:11, 98:13, 98:16, 98:17, 98:19, 110:4, 112:22, 113:2, 113:4, 113:9, 113:11, 114:22, 115:10, 115:13, 115:14, 115:15, 115:19, 115:20, 116:21, 116:23, 116:24, 118:23, 123:20, 126:8, 126:10, 127:10, 129:16, 134:19, 134:21, 136:25, 137:3, 137:4, 137:11, 137:12, 137:16, 138:4, 138:6, 138:8, 138:11, 138:12, 138:14, 138:15, 138:17, 138:18, 138:20, 138:22, 138:23, 138:25, 139:2, 139:4, 139:6, 139:8, 139:11, 139:13, 139:16, 139:19, 139:20, 139:22, 140:2, 140:4, 140:5, 140:7, 141:17, 143:5, 143:8, 143:9, 144:24, 146:13, 146:14, 146:15, 146:16, 146:17, 146:19, 157:16, 165:25, 166:5, 170:25, 171:3, 172:2, 172:18, 172:20, 172:21, 173:2, 173:4, 173:6, 173:8, 174:24, 174:25, 175:2, 175:6, 175:7, 175:8, 175:10, 175:12, 175:16, 175:21, 176:2, 178:9, 178:14, 178:17, 179:14, 180:10, 180:11, 180:12, 180:20, 181:8, 181:17, 181:24, 182:8, 182:10, 183:4, 183:5, 183:23, 183:25, 184:8, 184:11, 185:4, 185:20, 185:21, 186:7, 186:12, 186:18, 186:21, 187:16, 187:24, 188:24, 189:17, 189:20, 190:4, 191:9, 191:18, 192:5, 192:11, 194:13, 195:2, 196:6, 198:3, 199:13, 199:22, 200:9, 200:21, 200:23, 200:24, 201:2, 201:5, 201:7, 201:9, 201:10, 201:12, 202:4, 202:5, 202:12, 205:11, 208:5, 209:17, 210:24, 213:20, 213:23, 218:21, 218:25, 219:8, 219:9, 219:11, 219:13, 221:5, 221:11, 221:13, 221:14, 221:16, 222:12, 222:13,</p>	<p>227:9, 227:11, 230:3, 232:10, 232:19, 235:6, 235:23, 237:13, 240:18, 242:11, 243:7, 246:24, 247:4, 247:6, 247:23, 247:25, 248:5, 248:7, 248:8, 248:10, 248:11, 248:12, 249:6, 249:7, 249:8, 250:4, 250:15, 251:15, 261:3, 261:4, 261:5, 261:6, 261:7, 263:6, 263:7, 265:21, 266:14, 267:2, 267:7, 267:9, 273:17, 281:8, 281:10, 281:17, 282:8 multiple [2] - 124:19, 124:23 Municipal [1] - 27:4 municipal [9] - 27:10, 27:17, 27:21, 28:10, 28:17, 28:22, 28:25, 29:6, 35:8 mushrooms [2] - 225:13 must [2] - 55:15, 200:15 mutual [1] - 137:6</p>	<p>NAD [1] - 135:24 NADCP [1] - 135:24 Nader [2] - 22:7, 22:13 name [16] - 6:2, 6:5, 7:4, 8:18, 9:16, 9:18, 24:24, 24:25, 41:15, 80:14, 107:11, 114:3, 129:4, 155:10, 231:19 Name [1] - 119:10 named [6] - 80:9, 81:8, 90:23, 201:18, 202:16, 223:12 names [7] - 20:13, 166:25, 207:8, 207:15, 207:22, 231:13, 232:22 NASSAU [1] - 285:6 national [1] - 36:9 National [6] - 22:11, 30:17, 38:22, 130:16, 135:8, 135:24 nature [4] - 8:24, 9:5, 18:19, 80:17 necessarily [4] - 56:19, 88:8, 125:9, 216:7 necessary [1] - 171:22 need [5] - 31:6, 76:10, 173:10, 187:8, 269:15 needed [3] - 17:13, 31:25, 105:9 needs [1] - 21:8 negative [1] - 160:13 negotiated [1] - 223:10 neighborhood [5] - 69:15, 94:21, 102:2, 104:18, 106:3 Neil [8] - 2:18, 4:23, 5:6, 72:4, 74:20, 176:6, 192:17, 243:11</p>
---	---	--	---

<p>278:22 Nuan [1] - 231:9 number [35] - 23:16, 26:10, 27:20, 30:19, 35:25, 49:25, 63:3, 66:22, 67:8, 68:10, 87:4, 119:11, 119:12, 119:14, 129:3, 129:17, 129:21, 136:6, 136:8, 155:14, 164:2, 164:3, 164:4, 165:12, 165:14, 166:20, 168:22, 171:18, 198:6, 244:8, 245:10, 249:21, 263:22, 274:22 numbers [9] - 120:23, 121:7, 122:17, 148:4, 148:6, 162:8, 167:15, 212:24, 255:2 numerous [2] - 16:10, 16:15 NY [3] - 1:20, 2:8, 2:20</p>	<p>occurred [7] - 82:18, 122:13, 162:22, 163:4, 237:3, 255:7, 280:22 October [4] - 32:10, 245:19, 254:13, 257:3 OF [3] - 1:2, 285:4, 285:6 offenders [1] - 33:6 offense [1] - 42:12 Office [3] - 27:24, 34:13, 279:13 officer [1] - 3:11 offices [2] - 1:19, 4:12 official [1] - 18:7 often [4] - 16:4, 17:4, 39:9, 183:12 old [1] - 33:19 once [17] - 13:16, 16:13, 58:5, 134:6, 157:3, 163:5, 170:3, 184:3, 195:20, 196:19, 207:19, 213:8, 215:3, 215:15, 235:24, 255:15, 266:15 One [3] - 1:20, 2:19, 4:13 one [81] - 9:14, 11:2, 13:5, 19:19, 19:25, 29:24, 34:17, 40:24, 45:9, 45:10, 46:8, 46:9, 46:10, 46:15, 48:7, 48:21, 52:14, 53:22, 54:2, 54:6, 54:7, 54:21, 54:22, 57:10, 57:15, 65:9, 65:12, 68:14, 81:17, 82:16, 82:17, 102:9, 102:10, 106:21, 110:11, 112:3, 115:3, 125:18, 133:22, 135:23, 138:2, 147:4, 154:25, 160:20, 160:22, 161:17, 175:15, 175:20, 176:20, 198:8, 198:25, 204:17, 207:6, 207:15, 207:16, 210:12, 211:23, 212:17, 222:24, 225:23, 226:9, 228:9, 228:18, 229:18, 230:10, 231:17, 247:19, 253:5, 261:15, 261:16, 262:17, 263:14, 265:17, 270:5, 270:6, 270:7, 274:19, 281:8 one's [1] - 81:17 ones [1] - 65:23 online [9] - 59:14, 59:22, 60:5, 60:18, 61:3, 128:18, 268:20, 269:5, 272:23 open [3] - 25:20, 84:22, 85:2 opened [5] - 25:19, 54:4, 54:13, 54:25, 55:3 opening [1] - 4:8 operating [1] - 161:18 opinion [8] - 178:4, 185:5, 185:25, 186:2, 189:9, 195:4, 196:14, 287:8</p>	<p>opportunities [3] - 47:2, 55:21, 136:9 opportunity [11] - 22:21, 22:24, 30:10, 30:12, 36:9, 59:16, 68:11, 68:16, 156:17, 197:15, 198:16 opposed [6] - 123:6, 159:5, 174:3, 174:4, 240:9, 251:13 opposite [1] - 221:15 opposition [1] - 243:10 opted [1] - 233:4 optimize [1] - 258:12 option [27] - 109:11, 109:13, 109:16, 109:17, 109:21, 110:11, 110:14, 110:25, 111:2, 111:9, 111:12, 111:13, 247:24, 248:2, 273:22, 273:23, 274:9, 274:23, 275:9, 275:10, 275:11, 275:15, 275:16, 275:25, 276:3, 276:4, 276:6 options [23] - 108:23, 108:25, 109:4, 109:8, 109:25, 110:2, 110:15, 110:22, 110:24, 111:15, 111:18, 242:4, 242:9, 248:16, 249:5, 249:13, 249:16, 249:19, 250:2, 267:14, 273:24, 274:14, 274:16 oral [1] - 177:14 order [15] - 58:21, 60:18, 85:22, 185:5, 185:25, 186:2, 189:10, 195:5, 196:14, 255:14, 255:18, 262:12, 262:22, 277:4, 287:8 ordered [1] - 274:16 orders [2] - 262:15, 262:20 ordinarily [1] - 277:9 organization [8] - 30:16, 35:2, 36:4, 36:5, 36:10, 37:3, 130:15, 159:7 organizations [1] - 167:2 otherwise [2] - 158:14, 214:9 ought [3] - 21:9, 232:6 out-of-pocket [1] - 278:9 outcome [5] - 80:19, 84:20, 84:21, 85:2, 285:20 outcomes [1] - 111:4 outside [8] - 9:14, 40:14, 176:23, 177:10, 178:15, 178:21, 179:9, 197:8 outsider [1] - 153:21 outstanding [3] - 100:22, 102:22, 103:12 overall [1] - 150:16 Overseas [3] - 2:17, 72:6, 74:22 OVERSEAS [1] - 1:9</p>	<p>overstating [1] - 228:8 owe [3] - 97:2, 97:7, 245:21 owed [8] - 93:12, 93:14, 94:18, 96:17, 96:19, 96:22, 103:18, 240:9 own [16] - 40:25, 42:24, 43:10, 47:5, 47:25, 52:9, 53:11, 53:17, 54:16, 101:7, 103:22, 104:10, 105:3, 241:2, 270:16, 271:2 owned [1] - 43:13 ownership [1] - 130:6</p>
O			<p>P</p> <p>p.m [10] - 126:16, 127:3, 127:6, 194:16, 194:22, 222:4, 222:9, 243:3, 282:4, 282:10 P.S [2] - 20:20, 20:22 Pacific [1] - 84:19 package [1] - 118:12 packages [1] - 272:20 PAGE [3] - 286:5, 286:9, 287:5 page [44] - 14:13, 74:25, 75:25, 76:24, 78:2, 79:25, 80:5, 90:17, 116:9, 116:22, 129:2, 129:14, 134:15, 142:25, 143:6, 143:25, 144:23, 145:3, 176:11, 180:18, 182:25, 185:13, 185:21, 186:5, 186:9, 187:2, 187:17, 193:24, 195:10, 208:15, 243:21, 243:22, 246:17, 246:18, 247:5, 252:6, 252:9, 255:24, 256:9, 256:10, 274:22, 276:14, 277:18, 277:24 PAGE/LINE [1] - 283:6 pages [4] - 76:25, 143:4, 206:25, 252:10 paid [21] - 38:11, 38:12, 38:14, 38:19, 39:4, 39:20, 39:24, 43:3, 96:11, 96:14, 96:21, 96:25, 97:4, 98:10, 105:8, 167:3, 176:21, 240:3, 245:23, 273:7, 276:5 Panasonic [1] - 217:20 paper [6] - 95:3, 95:5, 175:13, 175:14, 175:17, 175:18 papers [1] - 169:16 paragraph [20] - 117:9, 117:10, 185:16, 186:13, 187:13, 187:17, 195:18, 202:15, 218:23, 219:2, 219:9, 219:10, 221:6, 221:7, 267:22, 267:23, 276:14, 277:18, 277:19, 277:23 paragraphs [1] - 221:8</p>

<p>Park [2] - 2:7, 4:13 part [18] - 38:3, 44:18, 51:12, 123:3, 128:7, 144:10, 148:23, 156:19, 158:15, 212:22, 213:9, 226:14, 226:22, 245:14, 248:18, 248:22, 248:25, 249:5 partial [1] - 233:5 participant [3] - 56:16, 153:19, 166:18 participated [1] - 226:12 particular [11] - 39:6, 56:7, 68:20, 106:25, 142:24, 153:24, 168:8, 170:11, 208:23, 216:24, 264:21 particularly [3] - 20:13, 50:19, 241:14 parties [7] - 3:6, 18:14, 88:17, 90:10, 163:7, 165:12, 285:18 partner [1] - 24:23 PARTNERS [1] - 1:8 Partners [3] - 2:15, 72:4, 74:20 parts [2] - 124:19, 124:24 party [3] - 80:9, 81:8, 90:23 passed [1] - 22:22 past [2] - 29:6, 206:16 pastime [1] - 106:23 pattern [1] - 235:2 Pause [14] - 72:8, 72:16, 73:5, 74:16, 76:12, 79:19, 113:20, 116:3, 181:6, 187:22, 193:12, 221:17, 243:15, 278:4 pay [8] - 41:3, 99:11, 109:12, 233:17, 233:20, 255:14, 255:18, 277:10 paying [5] - 98:12, 100:2, 100:9, 233:12, 233:13 payment [14] - 84:25, 94:2, 95:18, 97:9, 97:11, 97:15, 98:23, 99:3, 99:6, 100:4, 276:24, 276:25, 280:19 payments [5] - 99:12, 99:13, 99:15, 104:25, 105:16 penalty [2] - 26:4, 82:12 pending [3] - 80:16, 80:20, 187:25 pension [9] - 26:3, 130:17, 134:24, 135:23, 136:21, 137:20, 140:16, 142:2, 143:22 people [12] - 26:10, 56:5, 56:22, 66:13, 110:19, 131:20, 158:5, 161:5, 183:11, 216:5, 229:23, 248:15 per [10] - 38:15, 39:5, 39:20, 39:23, 87:23, 88:15, 105:8, 105:16, 119:14, </p>	119:17 per-diem [4] - 39:5, 39:20, 105:8, 105:16 percent [6] - 26:3, 26:12, 29:9, 31:9, 31:11, 241:16 percentage [3] - 150:16, 209:9, 277:5 perception [1] - 154:20 perceptions [1] - 161:5 perform [2] - 118:2, 281:2 performance [2] - 226:16, 226:17 performance-enhancing [1] - 226:16 perhaps [34] - 7:12, 10:22, 14:25, 16:25, 22:16, 22:25, 24:12, 25:9, 34:24, 49:6, 68:15, 92:15, 97:4, 106:5, 123:16, 123:18, 138:12, 138:15, 138:18, 154:23, 156:11, 156:24, 164:6, 164:7, 166:24, 178:12, 178:14, 178:17, 180:24, 190:18, 203:15, 212:17, 252:18, 253:6, 253:20 period [92] - 10:16, 10:17, 11:3, 12:16, 12:17, 12:18, 13:4, 13:24, 15:16, 23:2, 31:12, 41:10, 44:12, 49:9, 50:22, 51:8, 52:13, 53:2, 53:3, 62:11, 99:11, 109:9, 110:11, 117:20, 118:6, 145:10, 148:11, 153:2, 156:3, 156:5, 156:6, 156:7, 156:10, 157:12, 157:25, 158:6, 158:22, 159:2, 159:16, 159:25, 160:3, 160:9, 160:18, 161:9, 161:11, 161:14, 162:4, 162:6, 162:15, 166:12, 200:17, 204:25, 205:5, 207:25, 208:13, 208:24, 210:7, 212:7, 212:19, 214:4, 216:12, 216:16, 216:18, 216:22, 219:19, 220:2, 220:13, 220:14, 220:21, 236:14, 237:7, 237:8, 244:18, 244:19, 244:20, 245:11, 245:12, 266:2, 266:6, 266:11, 266:22, 266:24, 268:2, 270:11, 271:20, 271:23, 272:13, 272:14, 273:8, 281:18, 281:19 Period [2] - 13:11, 13:21 periods [30] - 10:2, 10:11, 10:15, 10:25, 11:6, 12:7, 13:2, 50:10, 50:11, 51:10, 51:23, 68:18, 141:13, 152:8, 152:23, 165:18, 203:12, 203:16, 203:20, 205:16, 205:17, 206:4, 218:16, 234:19, 234:20, 235:21,	237:21, 239:13, 240:15, 271:15 perjury [1] - 82:12 permitted [1] - 6:10 person [4] - 7:6, 68:3, 120:8, 134:3 personal [7] - 47:5, 98:17, 105:3, 132:18, 132:20, 134:4, 233:16 personally [5] - 15:23, 68:3, 114:9, 123:10, 178:25 personnel [2] - 29:19, 29:20 persons [6] - 21:13, 154:3, 156:14, 166:25, 207:13, 216:18 pertinent [2] - 120:12, 171:21 petition [2] - 89:8, 89:18 PG&E [2] - 84:7, 280:10 phone [2] - 7:11, 90:8 phrase [1] - 262:16 physically [2] - 15:10, 121:17 picked [1] - 57:12 picture [2] - 155:23, 158:15 piece [2] - 95:3, 175:18 Piedmont [1] - 27:3 Pirozzi [2] - 4:16, 4:18 PIVEN [1] - 2:4 Piven [2] - 4:25, 118:19 Piven's [1] - 113:13 Pivens [4] - 112:16, 112:19, 118:16, 122:6 place [8] - 19:17, 34:25, 60:17, 148:21, 182:6, 182:15, 223:9, 238:4 placed [2] - 58:20, 96:15 places [1] - 58:16 plaintiff [9] - 2:5, 5:4, 6:23, 6:24, 15:19, 84:12, 167:17, 194:7, 204:11 Plaintiff [3] - 4:25, 74:17, 244:2 Plaintiff's [3] - 115:21, 115:25, 286:21 plaintiff's [2] - 116:10, 267:24 plaintiffs [6] - 12:23, 73:8, 80:8, 90:22, 194:4, 202:17 Plaintiffs [1] - 1:5 plaintiffs' [1] - 188:9 Plaintiffs' [4] - 188:17, 242:21, 243:9, 287:16 plan [22] - 97:9, 97:11, 97:16, 98:23, 99:3, 99:6, 99:11, 100:4, 130:15, 131:10, 134:24, 136:3, 136:14, 136:21, 137:8, 137:20, 140:16, 140:24, 142:2, 143:22, 234:14	plans [2] - 140:21, 141:5 plausibly [1] - 177:4 play [1] - 172:23 player [1] - 217:9 Plaza [3] - 1:20, 2:19, 4:13 plea [1] - 223:10 pleaded [1] - 229:14 pleading [2] - 195:20, 196:19 pocket [1] - 278:9 point [16] - 25:18, 53:23, 54:2, 56:17, 69:13, 73:16, 95:11, 170:5, 178:22, 180:24, 190:18, 203:15, 212:17, 252:18, 253:6, 253:20 pointed [2] - 267:13, 274:23 pollution [1] - 22:10 populated [1] - 119:21 portion [1] - 70:20 position [6] - 27:6, 91:6, 162:14, 174:11, 176:16, 235:15 positions [3] - 51:17, 53:21, 54:21 positive [2] - 30:11, 244:14 possibilities [1] - 211:23 possibility [6] - 26:11, 46:23, 235:13, 261:16, 274:19, 279:19 possible [4] - 48:19, 111:4, 217:12, 272:12 possibly [3] - 20:4, 56:10, 148:16 potential [1] - 223:11 Potter [1] - 104:3 practice [3] - 24:21, 59:4 pre [1] - 272:12 pre-class [1] - 272:12 Preliminary [1] - 193:24 preparation [2] - 5:19, 14:21 prepare [2] - 78:12, 198:14 prepared [9] - 116:6, 120:2, 120:4, 121:18, 121:24, 128:12, 198:13, 213:24, 268:21 preparing [2] - 8:8, 23:8 prescription [1] - 226:21 PRESENT [1] - 2:24 present [6] - 6:17, 8:7, 81:6, 165:14, 179:2, 179:4 presentation [1] - 122:19 presented [4] - 154:3, 155:22, 163:8, 163:12 president [1] - 38:22 pretty [6] - 27:18, 71:6, 105:19, 173:7, 257:3 previous [1] - 217:25 previously [3] - 135:10,
--	--	--	---

167:18, 279:21 price [37] - 101:24, 119:13, 119:17, 148:20, 151:6, 153:10, 153:22, 156:11, 158:11, 158:13, 159:2, 159:20, 171:19, 176:21, 180:25, 188:12, 190:22, 190:24, 198:5, 198:10, 208:18, 210:16, 212:20, 213:8, 214:4, 214:8, 214:19, 214:23, 215:6, 216:25, 260:25, 261:8, 263:9, 264:12, 264:13, 271:12, 274:13 prices [22] - 160:24, 169:18, 169:22, 170:24, 177:2, 177:3, 177:9, 184:21, 188:11, 188:13, 188:19, 188:21, 189:23, 191:7, 196:23, 196:24, 197:8, 201:21, 271:13, 271:20, 271:21, 274:6 PRIMARY [1] - 1:8 primary [1] - 229:19 prison [2] - 21:12, 29:22 private [6] - 24:20, 24:21, 64:20, 79:2, 136:7, 136:11 privilege [2] - 112:25, 232:7 privy [4] - 91:14, 91:16, 142:10, 214:15 problems [3] - 21:14, 33:7, 240:23 procedure [2] - 18:10, 102:12 procedures [1] - 224:8 proceed [1] - 5:15 proceeded [1] - 99:23 proceeding [12] - 87:8, 87:12, 87:15, 87:18, 87:23, 88:2, 88:8, 88:14, 88:19, 90:11, 92:25, 279:6 proceedings [2] - 17:12, 83:12 process [9] - 18:3, 18:8, 18:11, 18:12, 18:13, 58:20, 85:12, 148:24, 224:8 produce [5] - 114:16, 114:19, 114:23, 114:25, 151:15 produced [12] - 86:11, 114:8, 115:4, 115:11, 115:16, 115:17, 165:6, 165:17, 165:22, 167:6, 167:9, 167:13 product [2] - 67:11, 217:24 production [2] - 18:17, 73:10 productive [1] - 30:9 products [1] - 68:11 professional [3] - 57:5, 132:6, 132:8	Professional [2] - 1:22, 285:9 Professionals [5] - 30:18, 38:23, 130:17, 135:9, 135:25 proffered [1] - 32:22 profit [7] - 12:3, 110:13, 249:18, 251:2, 251:4, 258:12, 275:9 profited [1] - 212:3 profits [5] - 22:15, 63:8, 64:2, 98:9, 166:12 Program [1] - 37:25 program [1] - 38:3 promise [1] - 257:11 properties [1] - 101:3 property [19] - 91:19, 96:3, 96:5, 96:16, 101:4, 101:5, 101:8, 101:15, 102:9, 102:18, 102:23, 103:21, 103:22, 104:8, 104:13, 104:22, 104:25 proposing [1] - 232:17 propounded [1] - 281:22 prosecution [2] - 230:8, 230:12 prostitutes [1] - 227:3 protect [1] - 95:23 prove [1] - 228:19 provide [14] - 19:2, 63:7, 67:8, 72:18, 80:16, 80:20, 107:25, 117:14, 121:8, 121:10, 153:20, 165:9, 167:19, 232:22 provided [29] - 9:13, 17:15, 33:3, 75:19, 90:3, 116:14, 116:16, 118:15, 118:17, 119:4, 121:7, 121:11, 121:21, 122:17, 128:14, 155:8, 165:11, 166:17, 167:18, 167:23, 168:4, 170:8, 170:14, 179:6, 180:4, 181:2, 181:15, 190:15, 280:21 providing [1] - 30:21 provision [2] - 85:8, 85:10 PSLRA [2] - 200:22, 268:21 public [8] - 23:11, 24:10, 24:18, 84:23, 85:3, 136:7, 215:13, 215:19 Public [2] - 1:22, 285:9 publicity [1] - 78:22 pulled [2] - 154:18, 218:2 pulling [2] - 157:4 pumped [1] - 154:17 pumping [1] - 215:4 purchase [29] - 11:25, 58:21, 59:17, 101:15, 119:16, 124:8, 125:2, 125:18, 143:15, 145:9, 146:9, 146:20, 168:20, 198:10, 213:14, 227:2,	251:24, 253:2, 253:3, 253:10, 259:25, 260:15, 263:8, 264:6, 264:7, 274:4, 275:13 purchased [53] - 13:5, 13:7, 13:13, 13:15, 13:23, 47:24, 55:13, 59:19, 64:9, 65:5, 65:8, 68:2, 101:22, 108:20, 144:16, 147:7, 149:17, 151:19, 161:15, 162:14, 170:10, 171:19, 172:10, 199:4, 201:22, 201:24, 202:3, 202:6, 208:16, 208:19, 210:11, 212:10, 213:3, 214:19, 215:14, 217:24, 221:2, 244:11, 244:23, 252:19, 256:5, 256:19, 257:6, 257:17, 257:18, 259:6, 261:22, 262:25, 263:19, 271:10, 271:11, 271:20, 271:23 purchased/sold [1] - 119:13 purchaser [2] - 159:10, 213:12 purchasers [1] - 154:9 purchases [16] - 12:6, 12:15, 141:12, 144:6, 144:10, 152:7, 152:20, 165:23, 208:18, 212:2, 212:6, 212:8, 214:3, 220:18, 258:21, 260:5 purchasing [2] - 218:7, 252:8 purport [5] - 10:25, 11:6, 12:22, 216:15, 220:3 purported [1] - 204:11 purporting [1] - 248:15 purpose [5] - 57:16, 130:20, 201:3, 201:14, 250:20 purposes [1] - 62:19 pursuant [3] - 1:18, 32:14, 273:23 pursue [1] - 91:18 pursuing [1] - 14:18 push [1] - 168:19 pushed [4] - 155:19, 155:21, 212:20, 214:4 pushing [5] - 156:12, 158:11, 214:22, 215:6 put [15] - 38:2, 45:2, 73:22, 97:12, 109:20, 109:21, 111:12, 136:9, 139:20, 153:12, 189:24, 190:8, 231:18, 243:18	210:12 quantity [1] - 217:24 quarter [3] - 52:5, 217:25, 218:2 QUESTION [1] - 183:10 questions [6] - 6:9, 17:5, 77:2, 267:6, 273:3, 281:6 quick [1] - 17:11 quickly [2] - 217:11, 258:2 quite [15] - 20:11, 20:12, 26:4, 26:21, 29:11, 44:25, 112:6, 118:11, 135:7, 141:2, 147:24, 179:23, 215:25, 224:25, 251:17 quote [1] - 50:7
		R	
		R-A-F-F-L-E-S-O-N [1] - 107:14 Raffles [2] - 107:12, 112:11 raises [1] - 40:9 Rakoff [1] - 196:17 Ralph [2] - 22:7, 22:13 range [8] - 69:12, 105:15, 176:23, 177:10, 188:12, 188:20, 197:9, 234:13 rarely [1] - 106:15 rather [10] - 36:6, 79:5, 116:13, 131:24, 213:12, 214:14, 215:10, 264:23, 272:14, 277:7 rating [1] - 241:14 rational [3] - 246:2, 246:3, 246:14 re [1] - 98:21 RE [1] - 281:9 RE-EXAMINATION [1] - 281:9 re-read [1] - 98:21 reach [3] - 109:10, 184:25, 249:21 reached [4] - 111:5, 165:8, 231:21, 280:10 reaches [1] - 157:3 reaching [2] - 25:21, 251:2 reaction [1] - 140:3 read [51] - 55:21, 55:22, 56:2, 56:22, 57:7, 57:17, 57:22, 58:7, 66:22, 72:14, 98:21, 98:22, 116:2, 117:13, 149:7, 173:12, 178:2, 178:3, 178:24, 181:7, 181:8, 181:10, 187:12, 188:15, 189:9, 189:12, 191:2, 193:8, 193:10, 195:16, 197:11, 197:15, 199:13, 224:14, 224:18, 225:5, 225:7, 225:18, 230:22, 231:2, 241:22, 267:23, 276:13,	

276:15, 277:21, 277:22, 277:23, 277:25, 282:9 reading [10] - 57:25, 110:16, 169:24, 178:7, 190:25, 193:9, 193:11, 202:12, 202:13, 225:10 ready [1] - 279:12 real [5] - 66:25, 96:16, 105:4, 155:3, 240:8 really [29] - 18:10, 28:18, 30:11, 47:7, 55:19, 56:17, 57:6, 61:9, 97:5, 105:18, 106:3, 108:2, 132:24, 135:15, 149:20, 168:12, 168:22, 168:23, 179:2, 212:4, 228:21, 230:5, 233:24, 245:9, 245:18, 255:6, 262:13, 267:4 realtime [1] - 59:17 reason [11] - 39:12, 147:23, 148:16, 164:5, 177:22, 229:19, 253:9, 253:19, 257:8, 277:7, 280:25 reasonable [4] - 221:18, 232:2, 250:10, 253:18 reasons [2] - 229:18, 255:10 receive [7] - 38:12, 84:24, 85:19, 89:14, 110:12, 192:24, 223:2 received [20] - 14:11, 16:8, 32:25, 61:25, 63:9, 75:14, 75:15, 94:12, 95:10, 125:25, 127:24, 128:2, 155:11, 176:22, 191:25, 192:7, 214:18, 253:13, 269:16, 271:21 receiving [2] - 226:21, 229:20 recent [1] - 207:8 recently [9] - 13:9, 13:17, 31:23, 167:6, 167:9, 169:8, 207:11, 207:21, 266:18 recess [1] - 126:16 Recess [4] - 69:25, 194:19, 222:6, 242:20 recession [1] - 48:9 recites [1] - 188:17 recognize [11] - 14:8, 14:11, 72:2, 76:8, 86:23, 113:19, 115:24, 179:22, 192:9, 193:17, 222:17 recognizes [1] - 72:11 recollection [29] - 6:12, 8:4, 12:11, 63:5, 92:7, 105:24, 110:23, 120:15, 120:21, 121:5, 128:19, 128:21, 130:21, 180:21, 192:3, 203:22, 205:16, 206:15, 217:16, 224:24, 232:21, 239:15, 258:23, 259:2,	261:20, 268:23, 269:20, 269:21 recommendation [1] - 230:12 reconcile [1] - 61:15 reconstruct [1] - 258:17 record [21] - 4:5, 42:9, 69:24, 70:6, 85:18, 115:10, 126:14, 127:8, 139:15, 139:21, 194:18, 194:24, 221:5, 222:5, 222:10, 242:19, 243:5, 267:23, 277:25, 282:7, 285:15 records [27] - 61:7, 61:10, 61:12, 127:15, 127:18, 127:23, 128:4, 128:14, 128:18, 128:20, 142:16, 164:21, 165:17, 165:22, 167:7, 184:19, 239:17, 239:23, 239:25, 246:17, 246:23, 246:25, 252:18, 256:17, 268:10, 286:22 recover [1] - 277:9 recovery [1] - 277:8 redacted [1] - 276:10 reduced [1] - 230:15 reference [2] - 58:15, 191:16 referencing [2] - 187:15, 198:2 referred [1] - 179:7 referring [5] - 57:23, 64:23, 70:12, 116:7, 196:21 refers [1] - 262:11 reflect [8] - 88:19, 150:18, 150:19, 159:4, 183:19, 184:20, 187:23, 205:21 reflected [9] - 61:4, 92:6, 119:23, 189:23, 196:14, 196:24, 197:23, 199:7, 203:24 reflecting [2] - 95:3, 127:19 reflects [5] - 144:6, 180:23, 219:18, 249:10 reform [2] - 37:7, 37:11 regaled [1] - 23:13 regard [2] - 93:23, 134:8 regarding [4] - 111:18, 181:2, 208:13, 280:19 regards [2] - 12:12, 87:22 Registered [2] - 1:21, 285:8 regular [4] - 38:18, 38:20, 105:11, 133:11 regularity [1] - 16:6 regularly [5] - 16:9, 127:24, 146:4, 188:10, 188:18 reimbursement [1] - 277:2 related [4] - 35:13, 42:12, 135:8, 285:18 relationship [1] - 133:19 relatively [5] - 79:8, 82:17,	215:5, 235:10, 238:8 relayed [1] - 217:18 relevance [3] - 97:18, 170:6, 179:24 relevant [4] - 12:14, 98:6, 142:9, 200:17 reliable [1] - 250:8 relied [2] - 120:21, 122:18 relief [1] - 80:18 reluctant [1] - 280:3 rely [1] - 166:16 relying [4] - 10:3, 106:7, 148:25, 177:4 remain [1] - 257:12 remainder [1] - 216:10 remaining [1] - 65:11 remarried [1] - 41:7 remember [28] - 22:8, 33:24, 35:24, 45:8, 47:13, 67:21, 78:18, 90:5, 91:15, 111:24, 113:21, 118:12, 130:12, 136:13, 165:8, 180:18, 190:25, 191:3, 197:18, 203:15, 224:2, 224:4, 224:23, 226:14, 233:8, 254:25, 262:21, 267:16 remembering [1] - 53:2 remuneration [2] - 209:8, 209:9 rent [4] - 41:3, 41:5, 43:3, 104:22 repeat [1] - 229:9 rephrase [2] - 51:21, 58:25 reply [2] - 193:13, 287:11 report [1] - 184:14 Reporter [2] - 1:22, 285:9 reporter [2] - 4:15, 5:8 reports [1] - 149:3 represent [20] - 9:4, 9:22, 9:24, 9:25, 10:5, 10:25, 11:2, 11:6, 12:23, 88:21, 134:7, 194:5, 199:10, 203:8, 204:11, 216:15, 220:3, 248:15, 276:17, 276:20 representative [11] - 7:15, 80:10, 81:9, 90:23, 98:15, 107:5, 113:10, 131:23, 132:16, 164:12, 281:3 represented [7] - 65:23, 168:7, 169:19, 171:15, 190:23, 199:3, 273:22 representing [12] - 158:5, 202:21, 205:10, 214:11, 220:13, 220:21, 220:22, 220:25, 265:15, 266:12, 277:14, 278:8 represents [3] - 8:16, 129:6, 202:24 reputation [1] - 161:3 request [8] - 36:2, 36:21,	73:9, 95:17, 99:23, 118:7, 230:9, 269:19 REQUEST [1] - 287:19 requested [5] - 35:21, 35:23, 38:6, 39:5, 168:5 requests [5] - 17:23, 18:2, 18:17, 19:4, 74:6 required [8] - 34:10, 85:12, 91:23, 200:13, 229:2, 251:3, 251:9, 251:13 requirement [1] - 82:15 RESEARCH [1] - 1:8 research [2] - 66:9, 151:12 researched [2] - 34:12, 224:12 reserved [1] - 3:7 reside [1] - 107:15 residence [2] - 42:21, 42:25 resign [5] - 25:25, 29:25, 30:2, 34:10, 34:15 resignation [3] - 32:22, 33:2, 33:12 resigned [4] - 30:23, 34:7, 34:8, 34:19 resigning [1] - 32:13 resolution [1] - 95:17 resolved [6] - 78:24, 84:10, 88:15, 91:13, 91:17, 92:8 Resources [1] - 22:11 respect [12] - 45:16, 59:7, 62:25, 152:25, 162:3, 165:17, 203:5, 203:17, 234:16, 278:9, 280:14, 280:18 respective [1] - 3:5 respectively [1] - 259:7 respond [1] - 89:12 response [4] - 73:9, 80:24, 81:4, 83:13 responses [9] - 19:3, 72:23, 73:8, 73:21, 74:5, 74:12, 74:18, 79:21, 286:14 responsibility [3] - 28:19, 98:18, 164:16 responsible [1] - 170:22 restart [1] - 200:9 restate [2] - 11:13, 201:20 result [6] - 90:9, 90:11, 92:24, 237:22, 280:16, 280:21 results [2] - 78:25, 134:10 retain [2] - 213:13, 215:10 retained [3] - 113:12, 209:7, 214:14 retainer [1] - 276:10 retaining [2] - 113:7, 238:5 retired [1] - 106:23 retirement [9] - 46:13, 47:6, 49:2, 65:15, 65:17, 65:19, 130:14, 132:18, 140:21 retirement-type [2] - 46:13,
---	--	--	--

49:2	260:2, 260:14, 260:20, 273:23, 274:5, 274:9	144:17, 209:15 see [63] - 48:16, 52:23, 77:4, 77:16, 77:20, 77:24, 78:3, 87:6, 89:13, 89:24, 91:3, 94:11, 95:2, 117:11, 119:20, 129:24, 133:8, 142:15, 142:18, 143:14, 143:17, 144:3, 146:21, 146:22, 146:24, 147:3, 149:13, 152:8, 152:18, 159:19, 159:21, 162:19, 174:21, 176:15, 178:23, 180:22, 185:22, 188:14, 190:7, 193:21, 194:8, 194:9, 195:14, 199:21, 200:7, 204:18, 204:22, 205:7, 205:12, 205:13, 220:11, 243:20, 243:23, 249:9, 252:8, 256:8, 258:21, 259:25, 260:2, 262:4, 272:17, 274:5	156:20, 170:18, 170:21, 172:8 sent [10] - 89:17, 90:6, 95:6, 118:11, 118:18, 118:19, 121:15, 127:23, 128:19, 223:22 sentence [7] - 176:15, 185:17, 194:2, 195:16, 229:21, 230:2, 230:15 sentenced [1] - 233:2 sentences [1] - 230:11 separate [9] - 8:14, 125:17, 130:2, 140:21, 220:13, 220:14, 264:6, 264:7, 281:15 September [9] - 157:13, 157:15, 182:7, 193:14, 193:21, 204:25, 205:9, 208:2, 287:12 series [1] - 155:13 serious [4] - 33:7, 79:5, 160:13, 166:7 serve [1] - 39:6 served [11] - 17:16, 17:24, 18:24, 19:4, 19:12, 27:10, 31:23, 73:23, 79:22, 107:4, 178:20 Service [1] - 88:23 service [2] - 30:21, 272:23 services [2] - 105:16, 280:20 SESSION [1] - 127:2 set [7] - 29:17, 71:19, 75:10, 128:22, 238:4, 285:13, 286:11 setting [1] - 21:16 settled [1] - 78:23 settlement [21] - 84:22, 85:5, 85:7, 123:7, 147:9, 147:11, 167:17, 168:14, 168:21, 169:3, 174:4, 179:12, 197:7, 231:22, 231:25, 232:12, 233:4, 233:5, 280:9, 280:11, 280:22 seven [2] - 123:16, 258:15 several [8] - 7:19, 7:23, 50:17, 67:2, 76:25, 131:21, 206:13, 272:4 SEWARD [2] - 1:19, 2:12 Seward [2] - 4:12, 4:22 shaking [1] - 139:24 share [9] - 41:5, 56:24, 119:14, 119:17, 148:2, 156:25, 198:10, 201:21, 208:18 shared [1] - 209:13 shareholder [2] - 113:25, 213:11 shares [97] - 47:24, 50:23, 52:24, 61:5, 119:12, 119:14, 124:9, 125:2, 125:12, 145:10, 146:10, 146:23,
S			
sacrifices [3] - 30:13, 37:13, 37:16 salary [4] - 38:12, 38:18, 38:19, 105:12 sale [17] - 93:12, 101:18, 102:21, 111:21, 111:23, 112:2, 119:16, 124:20, 146:21, 146:22, 259:4,	144:17, 209:15 see [63] - 48:16, 52:23, 77:4, 77:16, 77:20, 77:24, 78:3, 87:6, 89:13, 89:24, 91:3, 94:11, 95:2, 117:11, 119:20, 129:24, 133:8, 142:15, 142:18, 143:14, 143:17, 144:3, 146:21, 146:22, 146:24, 147:3, 149:13, 152:8, 152:18, 159:19, 159:21, 162:19, 174:21, 176:15, 178:23, 180:22, 185:22, 188:14, 190:7, 193:21, 194:8, 194:9, 195:14, 199:21, 200:7, 204:18, 204:22, 205:7, 205:12, 205:13, 220:11, 243:20, 243:23, 249:9, 252:8, 256:8, 258:21, 259:25, 260:2, 262:4, 272:17, 274:5	156:20, 170:18, 170:21, 172:8 sent [10] - 89:17, 90:6, 95:6, 118:11, 118:18, 118:19, 121:15, 127:23, 128:19, 223:22 sentence [7] - 176:15, 185:17, 194:2, 195:16, 229:21, 230:2, 230:15 sentenced [1] - 233:2 sentences [1] - 230:11 separate [9] - 8:14, 125:17, 130:2, 140:21, 220:13, 220:14, 264:6, 264:7, 281:15 September [9] - 157:13, 157:15, 182:7, 193:14, 193:21, 204:25, 205:9, 208:2, 287:12 series [1] - 155:13 serious [4] - 33:7, 79:5, 160:13, 166:7 serve [1] - 39:6 served [11] - 17:16, 17:24, 18:24, 19:4, 19:12, 27:10, 31:23, 73:23, 79:22, 107:4, 178:20 Service [1] - 88:23 service [2] - 30:21, 272:23 services [2] - 105:16, 280:20 SESSION [1] - 127:2 set [7] - 29:17, 71:19, 75:10, 128:22, 238:4, 285:13, 286:11 setting [1] - 21:16 settled [1] - 78:23 settlement [21] - 84:22, 85:5, 85:7, 123:7, 147:9, 147:11, 167:17, 168:14, 168:21, 169:3, 174:4, 179:12, 197:7, 231:22, 231:25, 232:12, 233:4, 233:5, 280:9, 280:11, 280:22 seven [2] - 123:16, 258:15 several [8] - 7:19, 7:23, 50:17, 67:2, 76:25, 131:21, 206:13, 272:4 SEWARD [2] - 1:19, 2:12 Seward [2] - 4:12, 4:22 shaking [1] - 139:24 share [9] - 41:5, 56:24, 119:14, 119:17, 148:2, 156:25, 198:10, 201:21, 208:18 shared [1] - 209:13 shareholder [2] - 113:25, 213:11 shares [97] - 47:24, 50:23, 52:24, 61:5, 119:12, 119:14, 124:9, 125:2, 125:12, 145:10, 146:10, 146:23,	

147:8, 147:14, 148:3, 148:4, 148:6, 148:17, 148:18, 149:17, 149:18, 150:5, 150:6, 150:9, 161:19, 171:19, 176:22, 177:2, 198:6, 198:11, 199:3, 199:12, 201:21, 201:22, 201:24, 202:16, 202:22, 203:7, 208:16, 208:19, 208:21, 214:14, 218:5, 218:6, 218:16, 237:18, 244:8, 244:24, 245:11, 245:20, 249:16, 249:19, 251:25, 252:20, 253:23, 253:25, 254:23, 256:6, 256:20, 257:17, 257:23, 258:2, 258:9, 259:7, 260:13, 260:15, 261:23, 261:24, 262:25, 263:4, 263:5, 263:6, 263:8, 263:19, 263:20, 263:23, 264:6, 264:8, 270:25, 271:10, 271:13, 271:17, 271:19, 271:22, 272:4, 272:5, 272:13, 272:14, 272:16, 272:25, 273:2, 273:6, 273:7, 273:23, 274:14, 274:16 SHARON [1] - 285:24 Sharon [3] - 1:21, 4:15, 285:8 sharper [1] - 167:11 short [8] - 111:21, 111:23, 112:2, 112:7, 148:10, 148:13, 188:9, 221:19 short-seller [1] - 188:9 short-term [2] - 148:10, 148:13 shorter [1] - 24:15 shortly [1] - 244:25 shoulders [1] - 139:25 show [6] - 127:13, 200:22, 201:16, 201:19, 201:21, 259:20 showing [2] - 63:8, 269:14 shown [2] - 128:5, 250:8 shows [8] - 141:12, 145:8, 198:9, 201:23, 251:24, 254:9, 254:12, 256:2 shrugging [2] - 139:23, 139:25 side [2] - 14:14, 179:10 Sideman [1] - 89:4 sides [1] - 116:7 SIDNEY [1] - 1:4 Sigma [97] - 9:12, 9:25, 11:11, 11:16, 11:19, 13:6, 13:13, 13:23, 49:5, 50:7, 50:12, 55:14, 55:18, 56:4, 56:10, 59:5, 59:11, 66:3, 66:10, 67:4, 68:2, 68:10, 93:13, 94:15, 94:19, 98:8,	98:9, 107:2, 107:22, 108:4, 108:12, 108:19, 109:8, 109:10, 111:18, 117:16, 118:4, 123:23, 125:8, 127:19, 141:13, 143:15, 144:16, 144:17, 145:10, 147:21, 148:4, 148:6, 148:17, 150:22, 150:23, 151:4, 151:10, 152:9, 152:23, 164:23, 165:18, 165:22, 166:12, 176:17, 176:22, 176:24, 198:9, 201:22, 201:24, 202:16, 202:22, 203:7, 208:16, 208:19, 208:21, 210:13, 212:20, 213:2, 214:5, 216:6, 218:3, 234:17, 235:3, 235:17, 236:3, 237:6, 238:5, 238:7, 238:9, 238:23, 241:13, 241:25, 242:8, 244:3, 244:15, 250:7, 252:2, 252:20, 267:25, 270:16, 271:2, 271:11 sign [1] - 282:9 signals [1] - 138:9 signature [4] - 75:7, 75:9, 116:25, 187:3 signed [5] - 3:10, 75:24, 91:21, 116:5, 116:15 significance [1] - 123:6 significant [2] - 26:5, 46:24 significantly [3] - 105:19, 176:23, 177:10 signing [1] - 113:22 similar [3] - 25:12, 28:15, 198:7 similarly [1] - 203:5 simplicity [2] - 270:3, 270:4 simplified [6] - 134:24, 136:20, 137:19, 140:16, 142:2, 143:21 simply [4] - 82:18, 209:14, 251:16, 253:19 simultaneously [2] - 274:10, 274:17 single [4] - 10:16, 124:20, 254:17, 254:19 siphoned [1] - 155:16 sister [2] - 107:10, 107:19 sit [9] - 13:3, 13:12, 13:22, 31:7, 31:14, 31:16, 31:22, 151:2, 266:21 sitting [5] - 91:5, 249:24, 253:8, 263:10, 280:4 situation [2] - 22:6, 233:17 six [9] - 16:12, 27:9, 27:11, 54:12, 55:9, 123:16, 213:3, 233:8, 279:3 six-year [1] - 27:11 size [1] - 253:11 skipped [1] - 29:11 slightly [2] - 124:5, 264:10	small [6] - 28:13, 40:13, 67:11, 154:21, 154:23, 215:5 smaller [1] - 147:4 smirking [1] - 138:20 sold [64] - 13:6, 13:14, 13:24, 43:16, 43:19, 55:13, 64:9, 65:5, 65:8, 68:2, 101:10, 101:23, 102:5, 102:18, 103:11, 108:20, 144:16, 147:14, 149:17, 150:5, 151:21, 158:5, 158:22, 161:15, 162:15, 170:10, 172:10, 177:2, 198:6, 198:11, 199:4, 199:11, 202:16, 202:22, 203:7, 208:21, 210:16, 211:25, 212:11, 213:12, 214:10, 214:15, 218:17, 221:2, 245:16, 245:19, 253:24, 255:3, 255:17, 256:23, 257:23, 258:2, 260:24, 261:13, 263:16, 263:20, 271:13, 271:17, 272:16, 274:14, 274:17, 275:4 solely [1] - 94:4 someone [6] - 9:12, 36:11, 39:17, 157:2, 173:17, 269:8 sometime [6] - 15:15, 22:16, 30:23, 153:3, 207:22, 241:3 sometimes [10] - 16:13, 20:15, 105:20, 124:10, 125:15, 168:16, 169:10, 169:11, 169:12, 255:6 somewhat [2] - 58:6, 68:19 somewhere [5] - 53:19, 101:25, 103:4, 104:18, 225:22 SONAR [4] - 1:7, 1:8, 1:8, 1:9 sonar [1] - 2:14 Sonar [57] - 2:15, 2:16, 2:17, 4:9, 4:22, 5:6, 72:3, 72:4, 72:5, 72:6, 74:19, 74:20, 74:21, 155:8, 155:9, 155:18, 156:10, 158:10, 158:20, 158:25, 161:15, 162:14, 164:22, 165:16, 165:21, 166:11, 166:24, 176:5, 192:16, 198:6, 201:23, 208:17, 208:20, 209:6, 209:9, 209:12, 209:14, 210:2, 210:18, 211:2, 211:3, 211:7, 211:8, 211:11, 211:15, 211:16, 212:19, 213:15, 214:16, 214:19, 214:22, 215:12, 215:13, 216:21, 217:13, 243:10 Sonar's [7] - 74:6, 160:15, 160:17, 192:3, 198:9,	210:19, 214:3 sophisticated [2] - 45:6, 66:18 sorry [24] - 36:17, 51:20, 63:15, 63:17, 64:17, 79:18, 134:20, 143:5, 146:14, 165:19, 166:3, 170:2, 185:20, 202:6, 218:18, 230:20, 246:22, 247:4, 259:16, 260:4, 263:8, 270:6, 274:15 sort [5] - 42:8, 46:19, 61:4, 151:9, 189:13 sorts [1] - 137:23 sought [3] - 42:17, 68:3, 80:18 sounds [1] - 204:14 source [1] - 70:9 sources [1] - 147:22 South [1] - 2:7 SOUTHERN [1] - 1:2 speaking [1] - 211:10 special [1] - 91:10 specific [5] - 63:4, 121:6, 182:15, 253:19, 279:17 specifically [8] - 23:5, 113:21, 209:25, 210:8, 211:21, 223:16, 244:16, 264:20 specifics [1] - 257:13 speculate [1] - 215:16 Speculation [1] - 171:4 spell [1] - 107:13 spend [1] - 151:4 spending [1] - 139:17 spent [2] - 268:4, 279:22 spoken [4] - 7:5, 7:17, 7:19, 163:5 spokespersons [1] - 68:17 sponsored [2] - 131:10, 136:3 spots [1] - 262:5 ss [1] - 285:5 stand [12] - 4:2, 69:20, 126:12, 127:4, 194:14, 194:20, 222:2, 222:7, 228:25, 242:15, 242:25, 282:2 standard [2] - 20:9, 228:22 staring [1] - 140:11 start [9] - 53:13, 53:16, 88:10, 142:18, 142:25, 187:16, 198:4, 200:10, 240:25 started [13] - 47:14, 53:11, 53:20, 54:11, 54:15, 54:24, 55:10, 66:8, 67:3, 123:12, 140:23, 236:9, 272:2 starting [9] - 32:21, 119:11, 176:15, 185:19, 195:11, 195:13, 236:4, 254:10, 256:9
---	--	---	--

starts [2] - 117:10, 266:3 State [12] - 1:23, 76:17, 76:20, 77:12, 79:6, 81:23, 82:6, 82:25, 245:22, 281:14, 285:10 state [4] - 13:12, 80:18, 194:4, 230:7 STATE [1] - 285:4 statement [4] - 61:16, 61:20, 164:14, 194:10 Statement [1] - 193:25 statements [4] - 61:24, 268:13, 268:14, 269:13 STATES [1] - 1:2 states [2] - 80:6, 81:6 States [6] - 23:3, 30:20, 35:4, 86:20, 87:2, 286:18 stating [2] - 93:25, 139:14 status [1] - 80:21 stay [3] - 30:2, 141:17 stayed [1] - 245:13 steady [1] - 38:19 step [1] - 39:10 steps [1] - 166:10 Steven [2] - 88:25, 92:11 stick [2] - 116:9, 237:24 still [21] - 31:14, 31:18, 63:19, 80:19, 88:17, 92:16, 92:18, 95:19, 101:7, 104:10, 104:11, 107:18, 108:11, 116:21, 157:5, 168:12, 217:6, 246:19, 257:10, 278:24 STIPULATED [3] - 3:4, 3:9, 3:13 STIPULATIONS [1] - 3:2 stock [92] - 9:25, 10:4, 10:6, 10:8, 12:2, 43:22, 48:19, 56:8, 57:12, 59:14, 68:20, 93:13, 94:15, 106:24, 108:20, 109:8, 110:10, 110:12, 111:5, 112:4, 124:8, 151:5, 151:20, 152:19, 153:13, 153:24, 154:5, 154:11, 154:13, 154:18, 154:21, 155:16, 155:18, 155:19, 156:14, 156:16, 156:22, 157:6, 158:11, 159:5, 159:8, 159:13, 159:14, 160:12, 160:14, 160:19, 160:21, 161:3, 161:4, 161:6, 161:16, 161:20, 162:20, 168:20, 171:20, 176:24, 209:7, 209:21, 209:22, 210:13, 210:16, 213:2, 213:13, 213:14, 215:6, 215:10, 215:23, 217:7, 235:9, 241:8, 248:6, 248:8, 248:16, 250:6, 250:9, 251:8, 251:13, 257:2, 257:11, 267:25, 268:7,	270:16, 271:3, 272:21, 274:15, 275:17, 275:18, 275:22 Stock [1] - 244:4 stock-trading [1] - 59:14 stockholder [2] - 154:22, 154:24 stockholders [2] - 155:23, 217:3 stockowners [1] - 236:13 stocks [12] - 9:20, 48:16, 51:2, 57:18, 58:8, 59:17, 59:18, 123:13, 153:21, 169:18, 236:11, 251:2 stop [2] - 172:18, 172:22 stories [1] - 23:13 story [1] - 29:12 straight [1] - 225:21 straighten [1] - 137:17 strange [1] - 172:14 strategies [1] - 57:14 strategy [3] - 95:14, 148:7, 148:8, 148:17 streams [1] - 67:7 streets [1] - 225:14 strength [3] - 156:14, 159:5, 159:8 strictly [1] - 160:6 strong [1] - 157:6 stuck [1] - 191:4 stuff [3] - 225:16, 226:24, 233:7 subject [2] - 81:4, 277:3 submitted [3] - 73:8, 82:21, 225:18 Subscribed [1] - 284:10 subsequent [2] - 7:20, 143:4 substance [4] - 35:13, 42:12, 42:18, 184:7 substance-related [2] - 35:13, 42:12 substantial [7] - 94:14, 157:9, 161:23, 217:8, 228:7, 236:3, 236:19 substantially [7] - 124:18, 152:20, 156:18, 212:3, 213:4, 241:10, 257:3 successful [1] - 30:15 sue [1] - 79:5 suggest [1] - 148:22 suggested [4] - 66:24, 177:22, 189:3, 211:23 suggesting [3] - 86:6, 190:2, 214:21 suggests [2] - 188:9, 188:17 suit [11] - 10:14, 76:15, 76:19, 77:12, 78:19, 78:21, 78:23, 79:10, 82:5, 112:12, 152:11	sum [3] - 63:11, 93:12, 107:2 summarize [2] - 8:21, 9:10 summarizing [1] - 142:7 summary [1] - 141:12 summer [8] - 10:21, 12:17, 57:2, 84:2, 96:8, 146:6, 193:6, 242:5 summons [2] - 76:5, 286:16 Summons [1] - 76:24 superior [12] - 27:22, 28:24, 29:2, 29:4, 29:7, 30:24, 31:13, 31:14, 31:16, 35:8, 278:17, 280:5 Superior [1] - 32:6 supervisory [1] - 16:7 supplying [1] - 227:3 support [4] - 176:6, 191:20, 192:4, 192:18 supported [1] - 205:18 supporting [2] - 36:2, 156:11 suppose [4] - 25:12, 25:22, 215:7, 255:11 supposed [1] - 161:21 surmise [1] - 183:15 surmising [1] - 212:23 surprised [2] - 152:21, 152:24 surprises [1] - 234:23 swear [3] - 5:8, 113:23, 115:8 swore [1] - 172:10 sworn [4] - 3:10, 5:11, 284:10, 285:14 system [2] - 25:13, 162:10	T Talbert [1] - 24:22 Tape [5] - 4:4, 69:23, 70:6, 126:15, 127:7 TAUBER [7] - 1:4, 1:18, 5:9, 284:8, 285:12, 286:9, 287:5 Tauber [53] - 2:6, 4:9, 4:25, 5:16, 14:3, 14:6, 14:8, 14:9, 70:9, 71:20, 71:23, 72:2, 74:10, 74:14, 76:6, 76:9, 81:5, 81:7, 86:21, 87:4, 113:17, 114:5, 115:17, 115:22, 116:11, 119:10, 127:11, 127:16, 129:4, 129:22, 143:8, 155:25, 175:4, 175:23, 176:16, 176:25, 182:3, 185:6, 188:6, 188:8, 188:10, 188:18, 192:14, 193:15, 194:6, 196:9, 202:20, 222:15, 242:23, 244:3, 267:10,
--	---	---	--

111:2, 113:12, 244:25 therefore [1] - 106:10 thesis [5] - 46:20, 47:4, 47:25, 234:8, 266:24 they've [1] - 217:2 thick [1] - 118:14 thinking [2] - 237:17, 238:15 third [21] - 24:23, 134:14, 135:2, 135:3, 206:4, 206:9, 206:24, 207:4, 216:11, 216:15, 217:25, 220:20, 221:6, 222:14, 222:20, 236:14, 237:7, 237:8, 266:2, 287:14 thousand [6] - 30:8, 49:8, 65:11, 108:13, 123:22, 125:2 thousands [2] - 123:18, 218:9 three [31] - 12:23, 13:2, 25:18, 46:5, 46:6, 47:9, 48:25, 49:13, 55:11, 65:2, 68:15, 68:24, 69:9, 70:10, 70:11, 100:19, 118:13, 131:4, 139:3, 144:11, 149:24, 152:8, 168:16, 169:12, 221:8, 234:15, 234:18, 235:20, 252:9, 262:5, 271:14 three-way [1] - 139:3 THROUGH [1] - 1:9 tied [1] - 98:7 timeframe [2] - 51:14, 159:3 title [1] - 134:16 titles [1] - 202:14 today [19] - 5:19, 13:4, 13:12, 13:22, 14:17, 19:25, 30:16, 31:18, 91:5, 151:2, 191:24, 239:5, 249:24, 253:9, 263:11, 264:22, 266:21, 268:5, 270:15 today's [2] - 4:6, 282:5 together [1] - 231:19 took [10] - 22:20, 22:21, 23:18, 106:9, 168:2, 182:6, 199:4, 269:18, 269:22, 279:4 top [6] - 86:25, 129:2, 129:20, 183:3, 193:20, 277:24 topped [1] - 236:5 total [9] - 63:11, 68:22, 68:23, 69:8, 71:4, 104:20, 104:21, 208:19, 264:8 touched [1] - 244:6 towards [1] - 77:16 town [1] - 40:13 tracked [2] - 266:17, 266:18 trade [46] - 43:21, 44:13, 47:12, 48:11, 50:24, 55:6, 70:11, 117:19, 117:23,	119:13, 119:16, 122:25, 123:6, 126:5, 144:20, 145:14, 145:20, 147:10, 158:21, 167:16, 168:8, 168:14, 171:14, 171:16, 174:4, 179:11, 181:2, 181:16, 194:5, 196:23, 197:7, 203:2, 203:15, 203:18, 203:23, 207:7, 210:23, 218:18, 248:12, 248:19, 250:24, 258:18 trained [1] - 21:10 training [2] - 29:17, 91:10 transaction [6] - 59:12, 60:7, 117:20, 273:15, 273:18, 273:19 transactions [20] - 94:19, 123:19, 123:22, 123:24,	141:22, 141:23, 141:24, 151:10, 157:23, 159:18, 204:19, 234:17, 252:15, 256:2, 259:20, 265:10, 265:12, 267:14, 267:24, 268:6 transcript [6] - 95:22, 177:19, 182:2, 182:5, 182:17, 287:7 transcripts [2] - 169:24, 225:8 transferring [1] - 132:2 transition [1] - 27:20 traveled [1] - 22:25 treatment [1] - 42:18 treatments [2] - 21:12, 29:22 trial [8] - 3:8, 28:2, 225:4, 225:9, 227:12, 227:20, 227:22 trials [6] - 27:19, 27:22, 28:3, 28:5, 28:6, 227:16 triathlons [1] - 226:13 tribunal [4] - 80:12, 80:15, 81:11, 90:25 tried [2] - 48:17, 68:6 trip [4] - 22:21, 22:24, 22:25, 24:8 trouble [1] - 240:20 true [15] - 82:12, 138:14, 138:17, 139:11, 158:8, 161:9, 183:15, 189:15, 191:10, 194:10, 227:6, 228:6, 285:15 truly [1] - 170:2 trust [1] - 276:18 truth [4] - 81:16, 81:17, 81:18, 164:13 truthful [3] - 81:14, 81:16, 82:16 truthfully [1] - 20:6 try [4] - 56:3, 112:22, 113:7, 232:10 trying [18] - 11:25, 22:8, 28:17, 35:23, 45:8, 47:13, 58:5, 111:24, 118:12, 135:13, 148:15, 224:22, 225:20, 231:18, 233:8, 258:11, 258:20 turn [2] - 14:13, 119:5 turned [3] - 33:25, 62:20, 94:7 turning [1] - 267:22 turns [1] - 153:25 TVs [1] - 67:9 Twenty [1] - 194:3 twice [2] - 61:8, 192:6 two [45] - 7:12, 7:18, 10:14, 10:24, 12:25, 14:13, 14:25, 16:14, 17:2, 24:12, 25:17, 46:12, 47:5, 49:2, 49:6,	49:13, 55:10, 57:10, 65:15, 68:15, 78:2, 118:13, 136:17, 137:13, 138:24, 140:22, 149:24, 155:12, 169:12, 175:6, 175:12, 205:16, 206:2, 218:15, 238:15, 238:22, 239:4, 240:4, 240:5, 256:23, 257:19, 258:6, 272:15 two-page [2] - 14:13, 78:2 type [4] - 46:13, 49:2, 149:2, 273:3 types [2] - 27:16, 268:5 typically [1] - 279:15
U			
ultimately [5] - 121:21, 155:16, 232:17, 235:16 un-factual [1] - 154:4 unaware [1] - 168:10 unbiased [2] - 160:21, 228:13 unclear [1] - 188:6 uncomfortable [1] - 232:4 under [15] - 6:9, 40:2, 82:11, 85:21, 85:23, 90:8, 145:20, 157:5, 170:9, 193:24, 202:19, 215:23, 217:6, 228:18, 244:7 undermines [1] - 209:20 underneath [1] - 175:20 understand [52] - 9:10, 9:11, 9:15, 10:13, 14:17, 14:19, 50:21, 69:4, 87:11, 93:5, 108:3, 109:18, 110:2, 115:13, 122:25, 123:2, 125:10, 132:12, 150:4, 153:17, 154:14, 155:2, 155:7, 161:20, 163:11, 165:5, 165:9, 165:20, 166:20, 166:22, 169:23, 169:24, 174:13, 174:15, 179:16, 179:18, 181:11, 181:20, 189:2, 189:7, 196:2, 197:2, 203:3, 203:9, 207:7, 210:23, 218:18, 248:12, 248:19, 250:24, 258:18 understood [17] - 16:6, 67:13, 92:2, 92:7, 93:7, 96:16, 96:19, 102:20, 109:7, 119:22, 137:25, 149:5, 169:13, 171:22, 205:23, 240:11 undertake [1] - 118:2 underwear [1] - 225:15 unexpected [1] - 34:23 unfair [4] - 155:23, 156:13, 179:25, 180:7 unfairly [1] - 155:5 unfortunate [1] - 180:6			

unfortunately [1] - 179:21 United [6] - 23:3, 30:20, 35:4, 86:20, 87:2, 286:18 UNITED [1] - 1:2 University [2] - 21:3, 22:4 unlawful [1] - 28:14 unless [1] - 197:10 unusual [1] - 22:6 up [48] - 6:21, 12:6, 25:19, 25:20, 29:17, 50:15, 54:5, 57:12, 109:8, 114:20, 119:25, 120:2, 120:23, 128:22, 129:2, 129:20, 134:23, 139:23, 152:7, 153:22, 156:12, 156:18, 156:24, 157:13, 158:12, 160:24, 162:8, 166:21, 174:25, 183:3, 190:18, 193:20, 198:8, 212:21, 214:5, 214:23, 215:6, 215:23, 216:25, 237:6, 241:23, 253:5, 264:10, 265:11, 270:7, 270:8, 271:16 useful [1] - 56:20 user [1] - 224:21 utilize [1] - 108:23 utilized [3] - 63:25, 239:22, 242:9 utilizing [1] - 240:25	194:20, 222:2, 222:7, 242:15, 242:25, 282:2 Videotaped [1] - 1:17 violation [1] - 200:14 virtually [4] - 94:16, 140:11, 223:24, 260:25 voluminous [1] - 118:12 vote [1] - 26:12	world [1] - 33:5 worth [3] - 213:2, 258:6, 258:7 worthless [2] - 94:16 wow [1] - 55:15 written [3] - 99:2, 99:6, 149:7 wrongdoing [3] - 208:23, 210:2, 216:21 wrote [2] - 22:10, 223:22
V	waived [1] - 3:15 waiving [1] - 81:5 warranted [1] - 154:8 wash [1] - 273:18 Washington [12] - 29:17, 30:3, 30:5, 30:7, 33:4, 34:2, 34:4, 34:21, 35:11, 36:11, 40:18, 40:19 Watch [3] - 58:2, 66:23 watched [1] - 56:21 watching [1] - 156:22 water [2] - 22:10, 84:6 ways [4] - 102:8, 157:10, 238:4, 253:13 website [1] - 56:8 week [6] - 16:13, 21:8, 33:18, 233:25, 259:5, 272:15 week-long [1] - 21:8 weeks [9] - 16:13, 149:24, 197:5, 213:3, 256:23, 258:5, 258:6, 269:23, 279:3 weigh [2] - 228:13, 231:24 West [1] - 37:14 whereas [1] - 217:9 white [1] - 171:11 whole [3] - 29:12, 154:9, 233:24 willing [1] - 36:12 Winnie [2] - 225:4, 225:8 wire [1] - 230:18 wish [4] - 166:13, 246:13 withdrawals [2] - 49:18, 49:21 withdraw [2] - 65:13, 217:3 witness [12] - 5:8, 5:10, 95:24, 139:18, 189:17, 210:25, 228:24, 228:25, 230:8, 282:8, 285:12, 285:16 WITNESS [16] - 6:4, 14:7, 63:15, 119:2, 129:18, 143:7, 166:3, 173:10, 175:15, 175:19, 175:25, 196:4, 196:7, 232:8, 232:20, 286:5 witness' [1] - 229:3 won [1] - 26:12 word [5] - 44:19, 117:10, 117:23, 137:10, 195:13 words [2] - 36:19, 44:18 wore [1] - 230:18	Y